

TOWN OF PATTERSON
PLANNING BOARD MEETING
February 1, 2007

APPROVED
MLR- 3/1/07

AGENDA & MINUTES

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| 1) Barnes Subdivision – Public Hearing | 1, 4 – 6 | Public Hearing opened and closed.
Conservation Easement Discussion.
Subdivision and Site Plan Approval |
| 2) Camp RE WWTP Upgrade – Request for Waiver of Site Plan | 1 – 3 | Waiver Approved. |
| 3) Wallace W/W Permit Application | 7 – 12 | Discussion with Dr. Ron Abrams about Wetlands Assessment. |
| 4) Wireless Connections – Sign Application | 12 – 15 | Sign Application Approved with Conditions |
| 5) Plaza at Clover Lake Subdivision | 15 – 23 | Discussion on receiving a plat, sidewalks, road use for new parcel, and land donation. |
| 6) Greenlands, LLC Site Plan | 23 – 31 | Discussion on site issues and types uses allowed. |
| 7) Barjac Realty Site Plan | 31 – 37 | Discussion on wetland locations, the mine on the property. |
| 8) Paddock View Estates | 37 – 54 | Discussion on fire protection tank, hydrants, and road names |
| 9) Other Business | | |
| a. Field and Forest Apartments – Extension Request | 54 – 55 | 90 Day Extension Granted at Work Session. |
| b. Millworks/Camp RE Lot Line Adjustment – Site Walk Comments | 55 – 57 | Lot Line Adjustment Approval Granted.
Negative SEQR Determination Granted. |
| c. Neubauer Site Plan – Site Walk Comments | 57 | Discussion with Building Inspector – Letter sent for demolition of small structure. |
| d. Genovese Site Plan – Site Walk Comments | 57 – 58 | Board received Site Walk Comments |
| e. Green Chimneys Site Plan – Bond Recommendation | 58 | Bond Recommendation for Town Board approved. |
| 10) Minutes – December 28, 2006 and January 4, 2007 | 58 – 59 | Approved. |

APPROVED mkr
3/1/07

PLANNING DEPARTMENT
P.O. Box 470
1142 Route 311
Patterson, NY 12563

Melissa Brichta
Secretary

Richard Williams
Town Planner

Telephone (845) 878-6500
FAX (845) 878-2019



**TOWN OF PATTERSON
PLANNING & ZONING OFFICE**

ZONING BOARD OF APPEALS
Howard Buzzutto, Chairman
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PLANNING BOARD
Shawn Rogan, Chairman
Michael Montesano
David Pierro
Maria DiSalvo
Charles Cook

**Planning Board
February 1, 2007 Meeting Minutes**

Held at the Patterson Town Hall
1142 Route 311
Patterson, NY 12563

Present were: Chairman Rogan, Board Member Pierro, Board Member Montesano, Board Member DiSalvo, Board Member Cook, Rich Williams, Town Planner, Ted Kozlowski, Town of Patterson Environmental Conservation Inspector, Anthony Molé, from Town Attorneys Office, Curtiss, Leibell and Shilling P.C., David Raines, Interim Building Inspector.

Meeting was called to order at 7:30 P.M.

Michelle Russo transcribed the following minutes.

Chairman Rogan led the Salute to the Flag.

There were approximately 11 audience members.

1) BARNES SUBDIVISION – Public Hearing

Chairman Rogan stated thank you, is anyone here tonight for Barnes Subdivision. Barnes Public Hearing is first item, I guess we will hold over and see.

2) CAMP RE WWTP UPGRADE – Request for Waiver of Site Plan

Ms. Annie Bonczek, from Milnes Engineering Incorporated, was present.

Chairman Rogan stated second item on the agenda is Camp RE. Good Evening.

Ms. Bonczek stated do you want me to come up.

Chairman Rogan stated sure, can you please state your name for the record.

Ms. Bonczek stated my name is Annie Bonczek from Milnes Engineering.

The Secretary stated can you just have her spell that because Michelle is typing.

Ms. Bonczek stated it is B-o-n-c as in cat-z as in zebra-e-k.

Chairman Rogan stated do you have something that you wanted to put.

Ms. Bonczek stated well I have the plans if you wanted to go through them.

Chairman Rogan stated you can use the board there if you would like, Ted would you be so kind.

Ms. Bonczek stated oh there we go. Do you want a summary of the whole project.

Chairman Rogan stated a short summary would be great as to what you are doing and why you are doing it.

The Secretary stated do you want her to use the wireless microphone since she is going to be over there.

Chairman Rogan stated we have a wireless microphone that you can use, we would like to pick up your.

The Secretary stated is it on Rich.

Ms. Bonczek stated okay, Camp RE is an existing children's camp and it is currently not in service right now and the owner doesn't know what his plans are for the camp but it falls under the New York City Upgrade program. Existing at the plant are septic tanks and above ground sewer lines and intermittent sand beds are the treatment and chlorine contact is their disinfection and it just empties into a stream. Under the upgrade program the City provides a new treatment plant and we plan to put the treatment plant at the same place where the existing sand beds are now. We are looking to have a site plan application waiver. This is the existing plant and you can see the sand beds, some of the sewer lines we are planning to replace these sewer lines and this is where the treatment plant would go. Here is our new site plan, it is the same entrance to the plant and this would be an improved driveway on the left, I don't know, is that okay.

Chairman Rogan stated sure, we were out at the site, we looked at the pipe, it was a very cold day when we were out there and it is a very long walk in. We realize that this is an improvement for the septic treatment and I think that the Board is comfortable with waiving the site plan requirements. I would ask that if the Board has any concerns or questions.

Board Member Pierro stated no.

Chairman Rogan stated I see no questions, we will entertain a motion for a site plan waiver but it would be conditioned upon the Applicant submitting an erosion and sediment control permit to the Planning Department and also the site plan comments that are in the Planning Board memo.

Ms. Bonczek stated great, I have those. Okay.

Chairman Rogan stated can I have a motion on that.

Board Member Pierro stated do you have the resolution.

Chairman Rogan stated there is no resolution, it is a waiver.

Board Member Pierro stated a site plan waiver hold on.

Chairman Rogan stated it will be a site plan waiver.

Board Member Pierro stated a site plan waiver and what else.

Chairman Rogan stated conditioned on site plan comments.

Board Member Pierro stated in the matter of Camp RE waste water treatment plant upgrade, I make a motion that we grant site plan waiver conditioned on receiving storm water.

Chairman Rogan stated erosion and sediment control permit.

Board Member Pierro stated I am sorry, I am not reading well tonight. Conditioned on receiving an erosion and sediment control permit.

Chairman Rogan stated and just basically addressing the site plan comments in the memo.

Board Member Pierro stated and addressing site plan comments in the memo dated February 1, 2007. You have those comments.

Ms. Bonczek stated yes, all set there.

Chairman Rogan asks for all in favor:

Board Member Pierro	-	aye
Board Member DiSalvo	-	aye
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

Motion carried on a vote of 5 to 0.

Chairman Rogan stated any opposed. Okay, thank you.

Ms. Bonczek stated thank you.

Rich Williams stated all the driving for that.

Ms. Bonczek stated yeah right.

Chairman Rogan stated there are a lot of people that would drive that far for an approval.

1) **BARNES SUBDIVISION – Public Hearing**

Mr. Harvey Barnes, the Applicant was present.

Chairman Rogan stated Mr. Barnes. Once they get up here, will you read the public hearing.

The Secretary stated sure.

Chairman Rogan stated we started without you sir.

Mr. Barnes stated I saw that, I'm sorry.

Chairman Rogan stated that's okay.

Board Member DiSalvo stated you got stuck in the elevator.

Chairman Rogan stated I'm sorry.

Mr. Barnes stated am I too late.

Chairman Rogan stated no, we are going to take you and we are just going to ask the secretary to please read the public notice.

The Secretary read the public notice into the record.

Chairman Rogan stated Mr. Barnes when you get your plat up there could you please use one of the microphones, state your name for the record and just give a very brief description of the project, what you are proposing.

Mr. Barnes stated you want the plat up there or the site plan.

Chairman Rogan stated I think the plat, it gives a bigger picture I think.

Board Member Pierro stated site plan.

Chairman Rogan stated subdivision.

Board Member Pierro stated subdivision.

Chairman Rogan stated which creates the site. Mr. Barnes do you have the certified notices.

Mr. Barnes stated yes.

The Secretary stated thank you.

Mr. Barnes stated my name is Harvey Barnes, the property is at 493 Route 164.

Chairman Rogan stated we aren't going to give you any slack on that one.

The Secretary stated oh it was Mike's.

Chairman Rogan stated oh, that's what happened.

The Secretary stated sorry, that was my fault.

Chairman Rogan stated that is quite alright.

Board Member Montesano stated what do I live with.

Mr. Barnes stated it is a sixteen acre plus parcel that we want to subdivide to roughly ten acres and just under six acres, the ten acre parcel is here and the six acre parcel here. The ten acre parcel has a house and a garage, that is where we live now and the six acre is to the west of it.

Chairman Rogan stated I believe that we have a conservation easement.

Mr. Barnes stated we do, this whole section back here is a conservation easement.

Chairman Rogan stated do we have any questions or comments from the audience.

Board Member Montesano stated I make a motion to close the public hearing.

Chairman Rogan asks for a second.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Pierro	-	aye
Board Member DiSalvo	-	aye
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

Motion carried on a vote of 5 to 0.

Chairman Rogan stated okay, we are pretty squared away with this. The reason we have two resolutions is because the first resolution approves the subdivision of the property to create the new lots and the second resolution is for the site plan specific to that lot, am I correct Rich.

Board Member Pierro stated want a motion.

Chairman Rogan stated sure.

Board Member Pierro stated in the matter of Harvey Barnes, I make a motion that we grant final subdivision approval with the four general conditions and two special conditions outlined in the approval memo dated February 1, 2007.

Board Member Montesano seconded the motion.

Chairman Rogan stated this is probably. Just check the number on the general conditions, I think that there were more than four.

Board Member Pierro stated I'm sorry.

Chairman Rogan stated just amend the motion.

Board Member Pierro stated I had my eyes dilated tonight at five o'clock, I'm not reading so well. I amend that motion it is seven general conditions and two special conditions.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Pierro	-	aye
Board Member DiSalvo	-	aye
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

Motion carried on a vote of 5 to 0.

Chairman Rogan asks for any opposed. Motion carried and can I have a motion for the site plan.

Board Member Pierro stated in the matter of Harvey Barnes, Route 164 Patterson, New York I make a motion that we grant final site plan approval with the five general conditions and three special conditions outlined in the resolution dated February 1, 2007.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Pierro	-	aye
Board Member DiSalvo	-	aye
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

Motion carried on a vote of 5 to 0.

Chairman Rogan asks for any opposed. Motion carried.

The Secretary stated those are the drafts, the finals will get done on Monday.

Mr. Barnes stated thank you.

Chairman Rogan stated Thank you very much.

3) WALLACE W/W PERMIT APPLICATION

Dr. Ron Abrams of Drew Associates was present, representing the Applicant.

Chairman Rogan stated it doesn't look anyone is here for Wallace.

The Secretary stated yes.

Chairman Rogan stated oh they are.

The Secretary stated this gentleman is.

Chairman Rogan stated I'm sorry, we were looking for Mr. Wallace or Mr. Karrell.

Dr. Abrams stated good evening Mr. Chairman, Dr. Ron Abrams of Drew Associates, I wrote the ecological assessment report.

Chairman Rogan stated wonderful.

Dr. Abrams stated just so that you know something about me, I am a certified environmental professional with the Academy of Board Certified Environmental Professionals and I teach biology and environmental science at Long Island University and have been consulting at colleges in this region for twenty years. I am not sure how much detail you want me to go in to responding to the comment letters that we received or perhaps you want to go straight to questions.

Chairman Rogan stated I will tell you what, if you would like, if you would want to use the portable microphone since you look like you are going to wander around a little bit on us. If you would like to address the comments you are talking about are specific from the Wetlands Inspector.

Dr. Abrams stated we have a memo from Ted Kozlowski and then we have a letter from Rich Williams. There is some overlap between them.

Chairman Rogan stated if you want to address and speak to some of the more specific concerns about what your findings were out there in summation and then the specific concerns you see with the proposal for this property.

Dr. Abrams stated I was engaged last year to visit the site and do an ecological assessment, I had no history of the property and I wasn't told anything. I was just told here is a map and here is the lot and please go investigate and report. What I found was of course a wetlands system that is primarily a rocky stream course in the vicinity of where development proposed that descends down hill to a broader, richer marsh but the rocky stream course is a very significant head waters to a large wetland system. Unfortunately it is receiving a lot of drainage and road run off from its own head at and near the road ways so there are already some signs of minor degradation. But for the most part, as my report said, it is a fairly sensitive system at the toe of a very steep slope. There in lies the issue that we have to be concerned with. Now in one of the memos there was reference to a wetland violation and I subsequently asked Kyle Keller about it.

Ironically when I did my study I didn't know it had happened and I didn't see any evidence that it had done anything to the water course in the vicinity of proposed development where I was looking. I will admit that I did not go down deep into the marsh and study what might have happened some years ago but then again it might have been difficult for me to distinguish between road run off into the drainage structures and anything that might have happened on the land. Whatever scars were made by that violation have healed themselves when I looked at it. I understand that the Applicant right now is really asking simply at this stage to do the testing for the sanitary system and has asked to put in a curtain drain which would reduce the effect of surface drainage on the test holes. I don't think that the curtain drain will have any other significant effect in the short term but if there were development to occur here, then I would expect that once the location for sanitary system and it's design is resolved that the curtain drain would be modified to maintain as natural a return of drainage to the wetland system as possible and still allow some development. It is hard for me to just answer off the cuff whether or what I think can be done here. I think it can be developed but as my report says it is going to take some pretty expensive and extreme measures to control the slopes and control the structures on the slopes and provide living area and to put in a septic system, I do believe it is feasible and I told my client that it was going to be an extreme effort and that did not seem to deter him. So that is my brief overview. Maybe I should answer specific questions.

Chairman Rogan stated in speaking with the Applicant or your client and stating just what you did, are you able to offer, should he ask you of course, suggestions on how to accomplish those goals.

Dr. Abrams stated oh yes, I have twenty years experience working with civil engineers that provide the ecological angle for what is otherwise mostly an engineering exercise. Yes I have no problem, Kyle and I have been working together, I met him two years into my practice so we have done a lot of work together where we mix his soil science my ecological expertise and the civil engineering that is necessary to do this. It would require terracing, it would require a lot of storm water management and not just pipes releasing the water but careful seepage, distribution of the water along the hillside so that it returns to the wetland in the manner that it is doing so now. I don't think the linear set back is as big of a problem here as is what you do at the edge of development and how you treat the set back area. Water is going to move down hill here fast no matter what. One hundred feet or fifty feet, the water is still moving fast and you still have to capture it, treat it, and let it go slowly and that to me is really the engineering challenge, once the location of home and facilities is identified. I noticed that in the letters that we received there are questions about the details of developing the site and when Kyle and I talked about it we realized until the sanitary system is proven, more engineering might not be in order.

Chairman Rogan stated I am glad you brought that up because that is where I was going to go with it. The first statement I was thinking about was giving you the background as to what this Board has considered. We acknowledge and understand that the Applicant is only looking to install a curtain drain to prove out that area, to test that area although the testing pits that you have shown on there have already been done they are just looking for the ground water monitoring as you know.

Dr. Abrams stated right.

Chairman Rogan stated the fear that this Board has and certainly a concern would be saying yes, go ahead and do that testing and then once they prove out the septic and they start proving out the construction of the lot and we say no we don't like it, it is too much of an impact and we turn them away. We would rather do all that at this point and prove that it can be done. We would like to look at the totality of the construction of this site and address those issues sooner rather than later because I think that once we approve the construction of that curtain drain we are setting a level of precedent for the approval of this lot, so I think

that is the direction that this Board has been considering and has stated pretty clearly to the Applicant over the past. Ted just please use the microphone.

Ted Kozlowski stated I'm Ted Kozlowski and I am one of the folks that has been reviewing this and I read your report and it was very good. You are aware that the curtain drain, that the violation was the curtain drain, that was put in and sat there for three months and I don't know and Rich, it might have even been more then three months.

Chairman Rogan stated it was more then three months.

Ted Kozlowski stated and I don't know if data was collected during that time but that is in the vicinity of where the septic was to go and that was in violation. There were a number of trees removed and there were rather deep cuts made in there and that was certainly an impact, it is in the buffer and they actually did go into the wetland. The reports, the ecological report, I was fine with but it really didn't address what had happened during that violation. What did that all mean, that really wasn't addressed. I am not so sure that it is a huge issue at this point but Shawn's point and the Board's point is well taken, we are setting precedent here and well let's see if it works, let's muck up the site and then go from there. The site is already been mucked up, they tried to de-water the area as it was and I don't know what happened from there. I don't know what was gained, what information was really relayed to me or to the Board, that I know of. The other consideration and again in your assessment you did not address some of the things that this Board and myself and the Building Inspector who is here in the audience come to grips with on a day to day basis, all this plan is showing is a septic, a house and a driveway, it is on a steep slope, a wetland, it is a bad site, to be quite honest with you and you know that.

Rich Williams stated yes.

Ted Kozlowski stated what we are not saying there is accessory building, areas for people to live as a normal suburban family and that right there is a big problem that I have with this and to walk out the front door and to use any of that property is a potential impact down hill to where that house is going to go. I really think, you as a consultant to your client, has to address it because no one is just going to buy that house and live in it and we are looking at today a house on Cornwall Hill Road that got built and they walk out into a mass of wetland, they have no useable property and we are looking at something very similar here and I think it is ridiculous to be honest with you. There are a lot of other issues here besides just whether that septic system is going to work and that is also a presidents type of thing because it is within one hundred feet of the buffer, it is within one hundred feet of the flagged wetland and that is a precedent that I really do not want to get involved with because if we do it here, we are going to do it everywhere else and I am not quite sure it is going to work. Your report is very good and in your report you keep harping, I don't have it in front of me, but extreme measures, any amount of money is going to fix what you want to do there but how much are we going to go, how much is this Board going to allow to happen to make this fit when it is already a site that is quite challenged, that is my point.

Chairman Rogan stated the other point that you should be aware is as someone being involved in this project, is that the Applicant has already agreed with this Board to a fifty foot set back as the bare minimum and in addition no more then a two bedroom septic system, no more then a two bedroom house and that alone, we are obviously trying to minimize if they can work within the fifty foot and they can prove out a three bedroom system. Well guess what, we are going to be happy because then we can move it to seventy-five feet because we are looking to minimize this and if a residence at all gets approved out there it will no more then a two bedroom residence. I am glad that you spoke about the extreme measures. I mean that is what this Board needs to know more about, okay what are those extreme measures and that I think is what

we are looking at, not only cleaning up any additional needed information on the functional analysis but also how they are going to develop this site, front yard with the retaining wall, what they are going to have for a backyard. The backyard is reminding me a little bit of the house a little bit further up the road on Carolyn Way, that is Stiebeling's on the right hand side with a very significant retaining walls and the engineering on those walls and what all that is going to mean for that wetland so, not that all of that is your responsibility of course but these are the types of things that this Board is concerned with and we really can not emphasize enough that we would rather do this now then a year and a half from now, when they come back and say yes we are ready we have Health Department and we want to build out house. I think that is puts this Board in a difficult position, a more difficult then when they don't have the approvals to be reviewing this kind of stuff. Does anybody from the Board have anything they would like to bring up.

Board Member Pierro stated have we provided the minutes to the Doctor from the last time this was in because that maybe give him some direction or can we.

Rich Williams stated sure.

Board Member Pierro stated that may give him some direction as to where the Board was going the last time around and what we were concerned about, does anyone have a problem with that.

Board Member Montesano stated no not at all.

Chairman Rogan stated no, it's an open record.

Board Member DiSalvo stated the last story line.

Chairman Rogan stated Anthony, for point of clarification, the minutes, do they need to be FOIL requested.

Anthony Molé stated no, not if you are giving them to him.

Chairman Rogan stated are you giving your copy up.

Board Member Pierro stated I am giving my copy of the November 23, 2004.

Chairman Rogan stated there are many others in there.

Dr. Abrams stated so all this is.

Chairman Rogan stated these are all the minutes since we have been reviewing this, I think.

The Secretary stated they are all stapled together.

Board Member Pierro stated they are all stapled together. December 24th work session, December 2nd meeting, April 28th work session, May 5th meeting, June 2, 2005, June 29, 2005.

Chairman Rogan stated you are into 05.

Board Member Pierro stated and October 6, 2005.

Chairman Rogan stated we had a couple of discussion on this I guess. So that we close this case with some idea, some clarity of where we are going.

Ted Kozlowski stated can I ask a question.

Chairman Rogan stated sure.

Ted Kozlowski stated you know this has been going on now for several years. Is the Health Department even going to consider a septic with in fifty feet of the wetland.

Chairman Rogan stated I don't even know if I can answer that.

Board Member Pierro stated he can not speak for the Health Department.

Ted Kozlowski stated I don't know and is this a moot point, that is what I am asking.

Rich Williams stated do you want me to do it.

Board Member Pierro stated would you Rich.

Chairman Rogan stated I think that would be appropriate.

Rich Williams stated it is an existing subdivision lot and I think that the Health Department would give it greater latitude in their review but even though there is a general prohibition in putting a septic system within one hundred feet of wetlands there are variance procedures that the Applicant can pursue, that would give him relief. Then it is a discretionary call by the Health Department.

Ted Kozlowski stated and the plot thickens.

Board Member Pierro stated what is the status, Rich, we issued a violation on the original curtain drain that was written. What was the status.

Rich Williams stated I believe the violation.

Ted Kozlowski stated we made the clients cooperate.

Board Member Pierro stated okay.

Ted Kozlowski stated the fine was he had to fill in the curtain drain and restore the site as much as possible and that is why you mentioned, there is evidence if you look, but there is less evidence now, it was a major disturbance, had you been here in 2005.

Dr. Abrams stated even still, if I have known what to look for I might have seen some of what you have seen but basically the good news for this land owner is that what he did then didn't degrade that stream bed or that wetland such that I walk down and said oh no this has been impacted. If there is some subtle impact it isn't dramatic. I have done an awful lot of this work particularly in Southwestern Connecticut where municipalities have even thirty-five foot set backs but they are using more innovative technology for these septic systems, they are using these subterranean or near surface systems that provide in a smaller area more surface area for treatment and the science is good, obviously the Health Department here would have

to be convinced if such technology were to be introduced but I certainly understand now hearing your perspective some of the comments that I read and the questions that you are asking. I don't know how to better represent the Applicant's interest in testing the soils, it is a simple case but I have heard your responses.

Chairman Rogan stated one of the reason that the curtain drain violation had not impacted the site significantly was if you remember was when we were out there if wasn't day lighted where water could have run out of it there were areas that had collapsed in, so while there were areas that were full of water, if I remember correctly it wasn't a free flowing curtain drain.

Dr. Abrams stated then it sounds like it really wasn't really effectively doing the job that they might have wanted. I wasn't told of any data collection during that, I wasn't told anything about it so, I don't know, I doubt that they got an useful data at that time.

Ted Kozlowski stated I don't know.

Chairman Rogan stated okay, thank you for your time.

4) WIRELESS CONNECTIONS - Sign Application

Mr. Dan Hong, the Applicant and Pete Connelly from Verizon were present.

Chairman Rogan stated Wireless Connections.

Board Member Pierro stated brought the big guns.

Chairman Rogan stated good evening gentlemen, could you both please state your names for the record.

Mr. Hong stated Dan Hong, Wireless Connections.

Mr. Connelly stated Pete Connelly representing Verizon Wireless.

Chairman Rogan states as you guys both know I am sure, our main concern with sign application was initially the Verizon logo was required on the sign because in our belief it didn't necessarily meet the general theme of the other signs in the plaza. We were trying to keep some kind of uniformity in the styling and in the fonts and the appropriate look of those signs. We simply asked at the original meeting was because it was stated that the Verizon logo was required per the business so we asked for documentation on that and as you are aware we got some documentation back and forth quite honestly the documentation we got originally was worded in a way that it seemed that it was more if you use the logo, here is what it has to be. We were looking for some final documentation that said you have to use it, it is a requirement of doing business with us and some clear proof. Even the document that we received and I am sure that you can speak to this, it seems to speak more.

Board Member Pierro stated vague.

Chairman Rogan stated not so much vague but it gives examples and those examples are for proportion of the size of the sign are not appropriate but those are not absolutes. It says that this particular size or proportion of lettering of main logo, I'm sorry, business name to Verizon is not appropriate and then it gives an extreme to the other side and if you can speak to that, I guess we are looking for that kind of information.

Mr. Connelly stated sure, all of the contracted agents that do business with Verizon Wireless are required to use the logo. The proportion end of it is that the Verizon Wireless logo can be no more thirty-five percent of the total area of the sign, whereas they basically want to make so that the public knows that they are going into a privately owned work contracted location and not a corporate Verizon Wireless location, that is why the sixty-five thirty-five split.

Chairman Rogan stated okay.

Mr. Connelly stated I think Dan had provided you with some denials that came back from the approval from within Verizon Wireless as to make sure that everything is right, they are very good when it comes to thing like that. I don't know what else you would be looking for in order to give an approval, I mean basically in order for him succeed within your Town with this type of business, he needs to use the Verizon Wireless logo.

Chairman Rogan stated like brain recognition, is what you are saying.

Mr. Connelly stated people aren't going there for his business end they are going there for Verizon Wireless, that is the product.

Chairman Rogan stated what we wondered though was and Rich jump in if we are suggesting something that doesn't meet the requirements for the Town sign code, but we were wondering when we originally spoke if he could put the business name and if he could have some other type of Verizon sign or logo that maybe was in a window or something like that, so that it wasn't up on the main.

Mr. Connelly stated it has to be part of the same basic structure, it can not be separated to the point where one is on a façade and one is on a window. I mean he could do additional Verizon Wireless in the window but the actual logo itself would have to be contained within that façade where his business name is going to appear.

Chairman Rogan stated so then I think what our Board was looking for was something that clearly states that from Verizon because I don't really believe, correct me if I am wrong, anyone on the Board, I don't think that we have gotten that documentation, it just seems to be the wording of it seems to kind of jump around what you just said.

Mr. Hong stated didn't we get a letter that says it is required.

Chairman Rogan stated it said more of if you use the sign it is required. Required to utilize the logo along with the, okay, its his name and signage and then it speaks to the percentage.

Mr. Connelly stated that is basically the percentage end of it, is part of their corporate identity standards that the Verizon Wireless can't be huge and then his business be tiny to give the public a skewed view of what type of location that they are walking into, that is basically why they required the sixty-five thirty-five split.

Chairman Rogan stated okay.

Board Member DiSalvo stated but we don't have a pre-approval use saying the thirty-five percent.

Chairman Rogan stated we had an initial application and I think that it showed a representation of thirty-five percent so we do have it, we were looking, we are kind of back at the beginning of them providing what they are saying it appropriate documentation that is required for the business. By the way I was out at the site, it was probably I have been out there many times this one in particular was about two months ago and noticed that there were banners hung up, Verizon banners and that doesn't usually send a very good message when you are looking for a sign permit to then go ahead and put up your sign anyway.

Mr. Hong stated yes, well that is why I didn't put up a sign, it can be removed, I mean the carpet guy left the sign up there and I called him a couple times to have come and remove it but he refused to call me back.

Chairman Rogan stated does any have the original, I don't remember the dimensions of that sign.

Board Member Pierro stated no, Missy can you get a hold of the original application.

The Secretary stated yes.

Rich Williams stated you have approved it already.

Chairman Rogan stated we approved it conditioned on the.

Rich Williams stated you approved it conditionally, if what you have heard tonight satisfies those conditions, you just need to acknowledge that in the record tonight.

Chairman Rogan stated do you want to do that in a form of a motion anyone.

Board Member DiSalvo stated I make a motion that we re-approve.

Chairman Rogan stated no.

Board Member Pierro stated no, accept the explanation.

The Secretary stated no, you accept the.

Board Member DiSalvo stated accept the explanation at the February 1, 2007 Planning Board Meeting to allow the Verizon wireless sign which was approved at the December 7, 2006 Planning Board Meeting.

Chairman Rogan stated you are just saying the explanation that the sign, that is Verizon logo is required.

Board Member DiSalvo stated and will be no more then thirty-five percent of the total area of the sign.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Pierro	-	aye
Board Member DiSalvo	-	aye
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

Motion carried on a vote of 5 to 0.

Chairman Rogan asks for any opposed. Thank you.

Board Member Pierro stated thank you, good luck sir.

Mr. Hong stated thank you very much.

Board Member Pierro stated thank you for your time.

Chairman Rogan stated when I was first on the Board, one of the first motions I made, I was embarrassed because Gene was sitting next to me and I didn't really know I was trying to include all the information and it is quite alright.

5) PLAZA AT CLOVER LAKE SUBDIVISION

Ms. Theresa Ryan from Insite Engineering was present, representing the Applicant.

Chairman Rogan stated Plaza at Clover Lake Subdivision, public hearing, Melissa.

Ms. Ryan stated public hearing.

Chairman Rogan stated oh no, I'm sorry, do you want a public hearing.

The Secretary stated you scared me because I didn't do a notice.

Chairman Rogan stated hold on second, Theresa, do you have the green cards for the public hearing, oh you don't, then we'll have to do it some other time.

The Secretary stated he scared me too.

Chairman Rogan stated Subdivision of Plaza at Clover Lake. Knowing you, you would have been ready and just gone with it.

Ms. Ryan stated go with the flow.

The Secretary stated oh, public hearing, I am further along then I thought.

Board Member Montesano stated okay, rewind.

Chairman Rogan stated good evening.

Ms. Ryan stated good evening, I guess you all know this map, this property line was amended.

Chairman Rogan stated can you use the microphone, you are just too soft.

Ms. Ryan stated in response to your concerns about the jagged line.

Board Member Pierro stated the portable is on the chair there.

Ms. Ryan stated this one doesn't work.

The Secretary stated are you going to walk around Theresa.

Ms. Ryan stated no.

Chairman Rogan stated you can use that if you'd like anyway, it is up to you. If you want to do an American Idol skit, go right ahead.

Ms. Ryan stated green light.

Board Member Pierro stated green light.

Board Member Montesano stated go.

The Secretary stated as long as it is not on mute.

Chairman Rogan stated Rich does have one burning question on this project and he is wondering when you are going to give him a subdivision plat.

Ms. Ryan stated if the Board is okay with this latest concept then the Applicant will authorize somebody to go ahead with a plat. The unfortunate thing is that there were surveyors on the project prior to us.

Chairman Rogan stated two different companies.

Ms. Ryan stated yes, one was David Ryan and they can't seem to locate him and another one prior to him doesn't seem to be interested in preparing the plat, so we are putting together a proposal for the Applicant and I think he is getting other proposals so once he decides on a surveyor, then we will get the plat together but we just wanted to get the Board's blessing on this latest layout.

Chairman Rogan stated does anyone have any further concerns at this time.

Board Member Pierro stated are we all comfortable with the widening of that strip going out to the adjoining Wilbur Herrlich.

Chairman Rogan stated I think that the issue and we spoke about this and it is great to have that potential, the area where it is so rugged that any realistic use from one property to the other, the topography is just too

great and I think even where they are showing the edge of the property, I will say that it is virtually impossible to get from this property over onto the Wilbur Herrlich property because it is like a shear cliff.

Ms. Ryan stated this portion of the property.

Chairman Rogan stated right where you are showing.

Ms. Ryan stated this is very steep right here, this area back here is very similar too, you can see the distance between the contours, they are very similar between these two contours.

Chairman Rogan stated I know first hand that there is just a little bit of a swale.

Ms. Ryan stated the trails are traversable.

Chairman Rogan stated okay.

Board Member Pierro stated maybe a rope bridge. Let the kids build it, it would quite a project for the camp.

Board Member Pierro stated they are going to put a wooden deck from one side to the other.

Ms. Ryan stated I don't think that they have any intentions of building anything back there anyway.

Chairman Rogan stated no, it's too rugged.

Board Member Pierro stated there is a plat in our future, correct, it's coming.

Chairman Rogan stated yes, everybody is comfortable.

Board Member Pierro stated how long do you think that will take.

Ms. Ryan stated I don't know, it really is up to the Applicant.

Board Member DiSalvo stated on the Fair Street side, that easement for lot number, on the left.

Chairman Rogan stated the new lot.

Ms. Ryan stated this is lot three, what were you asking.

Chairman Rogan stated you mentioned the easement for the access.

Board Member DiSalvo stated would they have to move the area where the trees are and the stone wall.

Chairman Rogan stated it depends on what they come in with as a proposal because depending on what is proposed out on that lot in the future, they may have issues. There is some stone work out there and some shrubs that are planted with it within that easement.

Board Member DiSalvo stated yes.

Ms. Ryan stated well that will be up to the Board at that time.

Chairman Rogan stated absolutely.

Ms. Ryan stated as Rich pointed out before the access for this lot would technically have to come through their frontage which is on Fair Street but you have the ability to waive that I guess.

Rich Williams stated the Board needs to address that at a later date.

Board Member Montesano stated the only problem is.

Ms. Ryan stated they have the potential to come off that interior road.

Board Member Montesano stated what I would like to figure out is if they utilize the existing road can we have that side walk situation discussed because you are not going to be the owner of that property where the side walks will be best suited.

Chairman Rogan stated right now the owner of the property, it is all the same owner so it is under, it is all part of this process and you remember the concern of course was that we see people that are using the Clover Lake Facility walking, workers and visitors and of course the people that live there, walking up to Fair Street and we are envisioning that if a waiver is requested for utilizing the existing access for any type of traffic, it is just going to increase the likelihood of a concern there. The Board was wondering about side walks being placed more realistically probably the southern side of the access.

Ms. Ryan stated here.

Chairman Rogan stated yes, and so we didn't want to get into a situation where we are looking at a proposal on the new lot and being told that we can't even talk about it can because it is on the other side of the road and it is off the subject parcel so we would like to talk about that through this process. Maybe you can bring that back to the Applicant and see what we can do and it just benefits the utilization of that site for the senior center.

Ms. Ryan stated these are two different ownerships as you know.

Chairman Rogan stated yes.

Ms. Ryan stated this piece is owned by a different entity then this one and this is the entity that will be taking over this lot so these two lots will still be under separate ownership from this one.

Chairman Rogan stated so then that is even more important to try to talk about it now because that would be a concern that we would lose any flexibility there and we don't want to do that but currently the new lot, lot three you said, is under the ownership of the people that own the parcel that The Plaza at Clover Lake is on, it is all under.

Ms. Ryan stated this is all under this ownership.

Chairman Rogan stated so now is the time to really have that discussion.

Ms. Ryan stated there was also something brought up that was a condition of Special Use Permit that if a property line is within two hundred feet of the facility that a vegetative buffer was required and we would like the Board to address that as well.

Chairman Rogan stated that brings up an interesting question. I think that is one of these issues that it is going to definitely depend on what the proposed use is for this new lot, having the vegetative buffer would always be a good idea, whether or not that is something that we do through a planting or a natural buffer, depends on what is out there at the property line because what is there may not be very suitable for a screening buffer or a vegetative buffer. Rich does the vegetative buffer concern speak more to erosion control or more to visual under the code.

Rich Williams stated it is more to aesthetics.

Chairman Rogan stated aesthetics.

Rich Williams stated it is a condition of the Special Use Permit that was put in with the 2003 changes to the Zoning Code. The current plan meets all those conditions even though this is a new condition, the new plan that they are proposing here will not meet that condition so then the question is whether that creates a preexisting non-conforming condition or more whether the Applicant is obligated to meet the new Special Use Permit conditions because of the use of the property and in that case, in my opinion they would need a variance.

Board Member Pierro stated for clarity Theresa, what.

Rich Williams stated they would be creating a new lot which eliminates that buffer.

Anthony Molé stated (unable to hear).

Rich Williams stated you would need to meet the new requirements of the Special Use Permit.

Board Member Pierro stated for clarity Theresa, which areas need the vegetative buffer.

Ms. Ryan stated it sounds like it would be in this area.

Board Member Pierro stated that would be below the existing bar, excuse me.

Ms. Ryan stated it would probably have to be on this piece because this where the facility is and it would have to buffer this facility from whatever use is on this property so it sounds like it would have to be in here. A good deal of this is parking and access, I'm not sure, seventy-five foot wide, it says, is that going this way or the depth, it is. So that is going to be a difficult thing to accomplish because of the existing pavement that is already there.

Board Member Pierro states and nothing is required along the road, which is a property line as well, no.

Ms. Ryan stated the road it.

Board Member Pierro stated it is still a property line.

Ms. Ryan stated is all adjacent.

Rich Williams stated I see what you are saying.

Board Member Pierro stated yes, it might be required on the road because it says, from what I just heard about a vegetative buffer required along the property line, the road is going to be the property line.

Rich Williams stated so you can do it on this down gradient of the road.

Board Member Pierro stated right.

Chairman Rogan stated the intent is to the useable area of the existing parcel, I would think right.

Ms. Ryan stated we could do it up gradient of this portion of the road and down gradient in between the parking and the road but I don't know if the seventy foot could be accomplished.

Board Member Pierro stated that is most of the property in that area.

Board Member Montesano stated I am trying to figure out, if that is the new lot, lot three, we don't know what is going to go in here yet.

Chairman Rogan stated correct.

Board Member Montesano stated so why can't we get, could we allow something less then seventy-five feet if we desire, no.

Chairman Rogan stated you can't do a waiver from that if it meets the intent.

The Secretary stated Zoning can.

Chairman Rogan stated but Zoning can.

Board Member Montesano stated what I am thinking is if you put a buffer here, this facility would be blocked from here or a combination of the two would work.

Rich Williams stated I can't see what you are doing.

Board Member Montesano stated okay.

Rich Williams stated my two cents is it has to be on the facility with the nursing home.

Chairman Rogan stated oh okay.

Board Member Montesano stated okay, alright.

Chairman Rogan stated okay, then the only other question on this, in this regard would be would it be more prudent to, it sounds like it has to happen through Zoning, the ZBA, you are saying.

Rich Williams stated if there is a reduction.

Chairman Rogan stated if there is a reduction.

Rich Williams stated if.

Chairman Rogan stated if the seventy-five feet is all on the other parcel, then that doesn't. I think what Dave was pointing out is if it happened on the new parcel you would be basically killing the whole parcel so you would need a reduction, so if it is on the other side, it is something that they would have to contend with because it would be terrible to approve a six acre lot out here that only has one and one half acres of useable space after you calculate in a buffer. I just wanted to make sure we weren't creating a nightmare here.

Ms. Ryan stated and it's only the portion of the property line that is within two hundred feet of that building, is what I was saying.

Rich Williams stated and if I recall, it only has to do with residential areas.

Ms. Ryan stated really.

Rich Williams stated I think, don't hold me to it, well I realize that.

Board Member Pierro stated so that is going to take a little more investigative work before we, we have some homework on that. Could there be a combination of the two on the down gradient side of the main road and on the up gradient side of the new lot or the new roadway, the new parcel that is being or does it have to be that far away because it is not within two hundred feet of the building. Are we even concerned about the whole strip on the upper portion of the road.

Rich Williams stated that is what I am saying, I have to take a better look at it, I haven't looked at it today, so it's not fresh in my mind.

Board Member Pierro stated I don't think you've looked at it in five years, we haven't.

Rich Williams stated if I am right, if it only affects the residential areas then it would have to be along the road and up to the residential zoning boundary line, not the whole road.

Board Member Pierro stated okay.

Chairman Rogan stated we are going to have to look into that just to clarify those issues a little bit maybe between you, Theresa and Rich, you guys can for the Applicant get a conference call, whatever the case may be.

Rich Williams stated I will considerate it.

Board Member Pierro stated when we get a plat.

Ms. Ryan stated I am going to pay for this over and over again. Now if it is determined that we have to go to the ZBA, we can just go.

Rich Williams stated yes.

Ms. Ryan stated we don't need a referral.

Chairman Rogan stated but would it be requested that we do a recommendations from the Board, it is more.

Rich Williams stated that would be up to this Board, whether you want to do a recommendation.

Chairman Rogan stated we would have to see obviously what they are proposing so.

The Secretary stated Shawn.

Ms. Ryan stated in the way of what.

Chairman Rogan stated I did ask but Rich was talking, I'm sorry I thought his microphone would pick it up. I did that so I could pick up his. Theresa stole the other microphone.

Ms. Ryan stated by proposing, Shawn, you meant what.

Chairman Rogan stated just what that area would be for the, we are talking about the buffer right now.

Ms Ryan stated yes.

Chairman Rogan stated so basically we could make a recommendation without knowing what reduction you were proposing, you would only be going to ZBA if you were providing less then what is required, right.

Rich Williams stated right.

Chairman Rogan stated so, in order for this Board to make a recommendation that says we agree with what you are proposing, we have to obviously as some point we need to hear plan B, what that proposal would be.

Board Member Montesano stated that piece of property in the back that is going to be used to connect, how about a wooden boardwalk that they have to maintain so that you don't break your neck trying to walk on a forty-five degree angle.

Chairman Rogan stated well it is not even proposed at this time to be, I think that they are leaving that as an option, so we could certainly.

Board Member Montesano stated what I am thinking of, is that if it goes to that point where it will be used as an access.

Chairman Rogan stated I think then, when the project comes in for something on that other parcel, we will site walk it and we will take a hike that day and really look at that access.

Board Member Montesano stated I have to get my (unable to hear).

Chairman Rogan stated we will make sure that it is during the warmer months when there is not, I think at that point it would appropriate to discuss that just to make that what we are providing is some sort of useable purpose.

Board Member Montesano stated a useable purpose.

Chairman Rogan stated other than just connectivity of the habitat, which would be there anyway because it is not build-able area.

Ms. Ryan stated right.

Chairman Rogan stated okay, so if you can get to work on the plat, there is somebody here from Greenlands that is waiting patiently for their turn.

The Secretary stated I think he just came in.

Board Member Pierro stated yes.

Chairman Rogan stated you are doing it in a polite way, she is very nice, thank you very much, you are going to hang around aren't you.

6) GREENLANDS SITE PLAN

Mr. John Marwell from Shamberg, Marwell, Davis & Hollis, Ms. Carrie Hilpert from Shamberg, Marwell, Davis & Hollis, Mr. Paul Suozzi, and Mr. Andrew Suozzi, the Applicants.

Chairman Rogan stated Greenlands Site Plan. Good Evening.

Mr. Marwell stated good evening Mr. Chairman.

Chairman Rogan stated how are you, could you just state your name, please for the record.

Mr. Marwell stated John Marwell, Shamberg, Marwell, Davis and Hollis, Mount Kisco New York.

Board Member Pierro stated good evening.

Ms. Marwell stated I am here tonight with Mr. Andy Suozzi, Mr. Paul Suozzi, and my fellow attorney Ms. Hilpert. I appreciate your letter, I thought that I might be helpful to review the bidding, because I frankly got a little confused, we have come a long way and we seem not to have accomplished much.

Board Member Pierro stated our tires are wearing out too.

Mr. Marwell stated that too and we have lost a couple of perspective tenants and I think what brought us to you in the first was a concern over the process, a concern that we have a building that we have had a lot of difficulty renting and we wanted to expand the universe of potential users, we can to ask for an amendment of the original site plan which seemed to have restricted the uses greater than the underlying zoning. Then we had a couple of possible tenants, we have a yoga lady, we had a hair salon person and they came and left. What we are hoping to do, if we can reach an agreement, if the Board would amend the site plan to allow us to expand the universe of users and I'm told that the marketing of this property, we are not making

any representations as to what kind of tenants can come, which was a suggestion in your letter that perhaps that we are leading people on by suggesting that certain kinds of uses might be permitted and I am told that that is not the case. If there could be an expansion of the permitted uses if we could come to you with a tenant and start with Mr. Williams and if it was a benign tenant, a soft use, if a formal site plan approval were not necessary, great, if Mr. Williams felt that a more formal site plan review was necessary, if we could come in and take a look at it and if it looks as if it is a problem, let's find out right away, because trying to rent this building is a problem and as the months go by, the people come and go, they don't want to wait. That is the problem we have, if there was some sort of way that we could reach a procedure that would work for your Board, for the Town, and facilitate the renting of this building because it is a problem and it doesn't do anybody any good to have empty space.

Chairman Rogan stated I think that minutes on this case thus far would probably fill more than one binder because we have really taken a hard look at this in terms of our process and in terms of how to try to proceed and grapple with the issues here. Not only the Zoning issues but just the use of the site which clearly from our site walks out there and just driving in and out at different times and we have all done when we have been in the area because we have been concerned about this site and we have identified concerns out there that date back to when the site was obviously approved. The site constraints that push for the more restrictive use that you spoke about for just the office space and I believe the direction that this Board would like to take is that we look at the proposed use that you are talking about, that you have in the past marketed this property for some of your previous clients and approve it for that use, if we have to modify the site, if we have to look at changing some things around but the site is constrained in terms of traffic flow and the way that traffic flows in and out of the site, there are a lot of concerns. What the Board would rather do, is to approve it for that use and then you are free for anyone that meets the criteria, you may have to go to Rich and say is this personal service or is this the proper use. Short of that this Board is out of it. You have been approved for that and it opens up the door to not have to come with each individual person and say is this too much impact, is this softer as you said and so that prompted writing this letter saying that we don't want this to be open ended. We would rather, instead of talking about process for the last year and one half, let's talk about the site and what the concerns are out there. I have a regular pickup truck, a GMC 1500, I have pulled into that site so many times and realize that when I pull into a spot, I have a difficult time backing out and pulling around, it is probably not a site that designed very well for my type of vehicle, as are many parking lots that we drive in and out of, which led me to the discussion with this Board that I would never be in favor of reducing parking stall widths anymore. I would rather have one less parking spot than a narrower spot because it obviously restricts your movement in and out of the site. What I think we need to do is to really take a hard look at the constraints of the site and whether or not there are any improvements that can be made. If there are improvements that can be made and we can approve that use that you are looking for, the type of use, then I think if you do those improvements, then you are on your way. Certainly no one on this Board wants your spaces out there to be vacant, we want you to have a business out there, we have some pictures here, that were taken recently from Liberty Income Tax of signs that were stuck out all over the road, advertising, drawing people off the street and they even had a college kid out there dressed up as the Statue of Liberty waiving to the traffic pulling them in, that I would argue is not an appropriate use for the existing site that way it is.

Mr. Marwell stated at least the advertising technique.

Chairman Rogan stated the advertising technique and the placement temporary signs all over but I believe that that, I am of course speaking for the Board and I welcome any other input on this. Perfect timing.

The Secretary stated stop right there.

Mr. Marwell stated as Mr. Williams pointed out in his earlier memo we would only be permitted one suite to be used that way without falling into the Special Permit requirement, so we are not looking, I don't think that we would qualify to allow more than one of the office suites to be used for personal service business. I don't know whether that would alter the Board's view with respect to making any site improvements we are talking about one six hundred and seventy square foot suite to have a broader universe of users.

Chairman Rogan stated the concern with that is it depends obviously where the suite is located because of the traffic associated with that suite for any kind of a business that wants frontage on 22 for visual advertising they want to be on the lower level and we understand if I had my way, I would want it be on the upper level so that you are keeping the traffic more to where there is a little more room for maneuvering and you are not getting people, more traffic trips down and around the back because that really is where more of the concern is but the building from the front doesn't look like the type of building that you would have any kind of a retail or a personal service type business. If you want to speak, please come on up and use the microphone. You are part of this, you are more than welcome and please state your name for the record.

Mr. Paul Suozzi stated Paul Suozzi, Greenlands. I was going to add that if you wanted, let's say hypothetically, we had a use for the downstairs, facing 22 and you were concerned about larger vehicles parking down there, we have a spot on the site of building where we can make some spaces bigger, wider, we have some room to do that.

Board Member Pierro stated which side of the building.

Mr. Paul Suozzi stated the side of the building.

Chairman Rogan stated the side that has the parking.

Mr. Paul Suozzi stated there are only three sides of the parking.

Board Member Pierro stated the south side.

Mr. Paul Suozzi stated there is a spot where we do have an extra couple of feet, where I can widen the spaces and make like for or five ten foot spaces. I have driven in there a number of time, I have a full size pick up truck too.

Chairman Rogan stated so you understand.

Mr. Paul Suozzi stated and I drive in there and I understand what you are saying, when the place is empty, you have plenty of room to maneuver so I have never had a problem but I can make some wider spaces but because of the financial aspects of, we don't have the place rented, we are not looking to do massive site changes, that is just going to draw out more money, if you could be satisfied with that, I would be willing to make those spaces bigger, because I have the room, short of what are we going to do, move the retaining wall, move curbs, what does that do.

Chairman Rogan stated we realize that is not probably a viable alternative but if it was the alternative that this Board say as the only means to achieve your goal, we would say unfortunately this is what is required of you and if you can meet it obviously you can get the approval and if you can't then it shows even further the constraints of the site.

Mr. Paul Suozzi stated right up against the south side of the building there is a section of parking and I can widen those and I can allocate those spaces for larger vehicles if that helps, I can do that.

Chairman Rogan stated we were out on the site last time, Dave you have mentioned some of those spots in that area. We had talked at one time you had mentioned where the dumpsters are but I think there is well and a power transformer there.

Board Member Pierro stated there is a well there and a power transformer.

Chairman Rogan stated so that area isn't suitable.

Mr. Paul Suozzi stated we have electrical conduits for the site lightings behind the curbs going all the way around, it would be a large expense to have to try to do anything. Obviously we can't move the retaining wall, the septic, it is tight in there, but I can make a few spaces wider.

Chairman Rogan stated again, even right now, we all feel that we are spinning our wheels on this and we need to finally come to some agreement as to where we are headed with this because we don't want to feel like we are wasting your time and certainly there are other things that we need to work on also. I think what we need to then is to figure out with one of the spaces used for personal service, across the board personal services, not a particular client what the requirements would be for the site for safe ingress and egress for the associated traffic that would be required for that and come up with some type of a detailed memo that details those requirements, how they meet them and where they meet them I think, you are coming up with some potential ideas.

Mr. Paul Suozzi stated that was one of the items that was in Rich's memo about parking space size and that is one this that we can do.

Chairman Rogan stated I am thinking that when people park in the lower area, when the facility is busy, when you have all the spots rented.

Mr. Marwell stated you are (unable to hear).

Chairman Rogan stated we are trying to be optimistic here.

Mr. Paul Suozzi stated when those spots are full, they have to park on the side of the building.

Chairman Rogan stated if it was only easy, right. What our concern would be is a vehicle that is going to make even the smallest of deliveries when it is busy there is going to pull down to the lower area and pull behind the vehicles and parallel park straight in. These delivery trucks seem to unload anywhere that they can, we have seen it in many different business.

Mr. Paul Suozzi stated what I have seen there typically is when they go down below there is an area when you drive all the way down, you go as far as you can, all the way to the end of the retaining wall, there is a little turn around, like the last space in back and go in like ten feet and then go, so the truck just pulls over there unloads for a few minutes and then he leaves and then up above they generally come in where the entrance is and they pull up right along side of the curb and unload, they go on the handicap side walk go into the upper units and then they pull out. It really hasn't been a problem and typically the businesses that are there are small mom and pop type businesses that don't require the need tractor trailers, they are small van type truck deliveries, FedEx, UPS, things like that.

Chairman Rogan stated a typical FedEx truck would.

Mr. Paul Suozzi stated it is larger than a nine foot space, I realize that.

Chairman Rogan stated I am hoping that that would be the biggest vehicle in there because those are quite large vehicles.

Mr. Paul Suozzi stated and the dumpster truck.

Board Member Montesano stated Home Depot's parking lot, the part on the upper side that has the drug store and the bank.

Chairman Rogan stated the height restriction barrier.

Board Member Montesano stated the barricade that goes across the front that says maxed out at eight feet, your delivery truck, the only problem is that it is going to park on a residential road.

Rich Williams stated it is not a residential road but that barrier, I don't know who came up with that concept has been knocked down.

Board Member DiSalvo stated it looks terrible.

Rich Williams stated I am having pizza in there one day, personally, a truck drives right into it and breaks it right off.

Board Member Montesano stated the object is hopefully somebody that is driving, pays a little bit of attention.

Board Member DiSalvo stated wow.

Chairman Rogan stated wow.

Rich Williams stated that is not something.

Chairman Rogan stated let's be honest that thing looks like hell, it just looks terrible.

Board Member Montesano stated it can be done in a mall.

Chairman Rogan stated I do understand your point.

Rich Williams stated I go back to that you design sites and there is a site that was not designed for what they built and now they are trying to compensate for it with something that is not appropriate in the first place because everybody is still hitting.

Board Member Montesano stated the object why that bar is there is because I believe I was informed that it was possibly the banks idea so that they couldn't get something big enough to go into their bank.

Rich Williams stated and at the same time there are always trucks parked on the outside, delivering in the road into that plaza.

Board Member DiSalvo stated what is on the truck.

Chairman Rogan stated yes.

Board Member Montesano stated well it is an alternative, the only thing I could think of, you want to worry about limitations because as far as semi's, I have had a fifty pound box delivered by an eighteen wheeler on my street and watched him, he was good but he had to stop all the traffic on Route 311 to back out.

Board Member Cook stated Shawn perhaps Mr. Suozzi could provide the Board if you will, with a revised parking layout that would indicate an effect where a UPS or a FedEx truck may park whether it is on the upper level, on the south side, or down below. Then it would possibly help to establish a comfort level where this different type of traffic flow would come into being and how it could be handled. You talk about the south side you could juggle some spaces, how many spaces are there now, what would it change from six to four, whatever.

Mr. Paul Suozzi stated there are five spaces but I have four extra feet and I could make the nine foot spaces wider and probably make five ten foot space but at least four.

Chairman Rogan stated I think what Charlie is referring more too would be more to a loading zone, more of a drive in, very easy pull in with the truck and then have the safety to either back out or turn around or something, that is still fairly tight down through there, I can't imagine how you are going, you would lose like twenty spaces wouldn't, it would be that one whole side.

Mr. Paul Suozzi stated the best place is right when you come in because you have the most amount of room, right where you come in the site, right where the guardrail is along that curb is a spot where a truck can sit and unload and then he has the most room there on the site to turn around and go back out.

Board Member Cook stated I think that if we had that as a drawing and you indicate on there where you would do signage, deliveries only, something along those lines that would help us.

Mr. Paul Suozzi stated I could put a sign right on the guardrail, right on the other side of curb, right there.

Board Member DiSalvo stated I am willing to listen to something to that effect.

Chairman Rogan stated sir, you just need to come up and use the microphone, that's all. He is part of this application, right.

Board Member Pierro stated yes, it's his brother.

Mr. Andy Suozzi stated Andy Suozzi, we didn't bring a plan with us but referring to what you are talking about, when we discussed this we can possibly move the handicap spot to the rear of the building or to the side.

Chairman Rogan stated the side would not be handicap accessible then, there is no, you are saying to the south side but follow along your logic, I'm sorry to interrupt.

Mr. Andy Suozzi stated we put that one on the side and we would just have to drop that curb and drop the curb and it could go right in. It is a little longer walking or rolling but it still the fifty feet of movement, it can be done. There are six parking spaces on the south side we could add a foot to each of them because we have a left over six foot spot, so those five would be made wider.

Mr. Paul Suozzi stated also there is another area right next to the dumpster where a truck could pull right in head first, sit for a few minutes, and unload with his hand truck, make his delivery and he could back in or back out.

Chairman Rogan stated Mr. Raines is biting at the bit over there, just please use the microphone.

Dave Raines stated thank you, speaking as the Fire Inspector, I would just like to ask that if we are going to change the parking layout there or amend it that we do have a submission so that we could look it to make sure that we still have adequate access around the building and if we need to create a loading zone by statute, then we could create a loading zone which would be posted as a loading zone so that we don't end up with a problem as far as accessing the lower lot so then if we need to adjust the handicapped parking, we could look at it and make sure it makes the distance and the width requirements at that point.

Board Member Pierro stated Dave would there be an prohibition to using the drive aisle for the dumpster as a loading zone during the day because dumpsters are normally picked up early morning, correct.

Mr. Marwell stated that is another alternative.

Dave Raines stated again, there is probably a couple different options here but again we really need to look at it as an amended plan so we can look at those variables to see if we have swing clearances and that we are not going to end up.

Chairman Rogan stated that is the main thing, once you get them in here, how do safely get them out.

Dave Raines stated right.

Chairman Rogan stated assuming that the lots are being utilized to their potential, which is what we are hoping. So that we not closing this discussion with only one issue, does anybody have any other concerns and Rich I am looking to you also with this other then traffic flow that is a forefront issue or does it come down to how do we get vehicles in and out of this place and the associated traffic that goes along with the use.

Rich Williams stated I think that everybody is aware that the discretion goes to the Board but I have been opposed to this concept from day one for a multitude of reasons. The original site was designed for office. The parking layout isn't the best in the world because we expected a low traffic flow going in and out of there. Traffic circulation on the site is not good, certainly it is not good for the increased frequency of traffic going in and out. You have issues with parking stall widths and lengths, a waiver was given so that the parking stalls are not ten by twenty they are nine by eighteen, there really is no area on the site to have a loading zone for any sort of truck traffic, there were never supposed to be store fronts up there, it was supposed to be an office building not a building with store fronts that the store fronts out there is not the architecture that was approved as part of the original site plan and that is one of the problems we have here now because it looks like store front. I think there are also issues with the traffic and frequency of traffic, it is going to be coming in and out of a residential road, Old Route 22. I think the biggest issue that the Town is going to face is one of a consumer oriented business that is a business that is going to need frequent

traffic, they are going to need to draw people in off of Route 22 and you see that with Liberty and with all due respect I am not going to say that Liberty Tax Service, whether it is a permitted use or not out there, to me it is still somewhat of an uncertainty. Liberty demonstrated what the problem is going to be and in order to bring people in off Route 22 consumers they need to put up several signs along the frontage but they also need to put direction signs up on Route 164 letting people know where to turn and then on Old Route 22.

Chairman Rogan stated how to get into the site.

Rich Williams stated you need multiple signs to direct traffic because you need to draw people that are driving by in off of Route 22 into the site and now we have a problem with signage. Yes, it is the stall width maybe we can work on that and maybe we can come up with something but then when we start to get into things like loading, I don't believe there is sufficient area out there for a loading zone and when you go back and when you approve it by our Code right now, if you approve a personal services you don't limit what the type of personal service is and you don't limit the type of retail that can follow it, that is the way it right now. A lot of concerns in there.

Chairman Rogan stated yes.

Anthony Molé stated just real quick to hit on one point, if you approve one personal services you know it is going in but by the same token you are still approving any personal service which is a discussion that we had a few meetings ago, that if one personal service use is proposed, you have to consider it being any personal service use because once they are in if they leave, another tenant can come in under personal service use and not have to come back to the Board.

Chairman Rogan stated I think that we would prefer that, we don't want you coming back for every client that changes over, I think that is.

Anthony Molé stated I think it makes sense to approve the use rather than to approve a particular use, which give the Applicant more freedom as well.

Chairman Rogan stated absolutely.

Mr. Andy Suozzi stated we don't want to have any retail in there at all, you can make that a restriction.

Chairman Rogan stated we can't make it a restriction under the current Code without the Town modifying the code to break the two out, is what we are saying. So I think the direction for tonight if we are all clear, is that if you are moving forward with one of these suites being for personal services slash retail you have to address the stall width, a safe means of ingress and egress into this site and a loading space and quite honestly, I am only speaking for myself but if it doesn't work, then it is not going to work. If you can't figure out a way to do and have it meet all the requirements of safe turn around for these vehicles, then I think then we have exhausted it and I think then your answer would be self evident and I think that is only fair. We have all I think tried to have conversation about this to make sure that we would be approving something that would work on the site and no cause headaches for both you and for the Town.

Mr. Paul Suozzi stated but if the site already has a garbage dumpster, a big garbage truck can come in, pick up is load and leave, then why can't we assume that a smaller FedEx truck or UPS truck can do the same thing in that same spot.

Board Member Montesano stated time of day for one thing.

Mr. Paul Suozzi stated what difference does time of day make.

Chairman Rogan stated well you just said that your garbage truck comes at odd times of day when your business aren't busy.

Mr. Paul Suozzi stated I didn't say that.

Chairman Rogan stated one you gentlemen did, you did then.

Board Member Pierro stated I said that the garbage truck usually come early morning.

Dave Raines stated when we do an analysis for site, as for as for when Rich and I look at it when we get to the looking at it for ingress and egress and parking and safety and we look at frequency and garbage truck, unless it is an industrial site when they are coming two, three, or four days a week we understand what the normal routine is whether it is four in the morning or four in the afternoon, they are coming weekly, we take that and talk about FedEx and UPS, Acme Delivery, could be daily, it could be multiple times, so we are going to take that into consideration. Have a plan where we can look it and say is this going to work, whether it is one truck at time. Again we are not going to make round we are going to look at it like a middle of the road case, one truck at time, we aren't going to say well UPS and FedEx could show up at the same time, well yeah, it could snow everyday too but so we are going to look at it from a realistic perspective, at least from my office.

Chairman Rogan stated thank you we appreciate that.

Mr. Marwell stated we appreciate that time but I would also like to ask that we remember that we are talking about one six hundred and seventy square foot suite.

Board Member DiSalvo stated and that would be in the lower section.

Chairman Rogan stated that is going to depend on their.

Board Member Pierro stated their review.

Chairman Rogan stated that may come out when they actually take a look at where they are putting it and it may make more sense for, you were talking about re-locating a handicap space, it may make more sense to propose it on the upper area, it is up to you. Okay, thank you very much and thank you for coming tonight, continue to work on this.

7) **BARJAC REALTY SITE PLAN**

Ms. Theresa Ryan from Insite Engineering was present, representing the Applicant.

Chairman Rogan stated Barjac. Because if you only came here and walked out then we would miss you for the rest of the night.

Ms. Ryan stated I am here until the end.

Chairman Rogan stated you are, it might be worth your while though, don't worry about it.

Board Member Pierro stated that never happens.

Chairman Rogan stated I know you are going to need the moveable microphone for this.

Ms. Ryan stated does this work.

Chairman Rogan stated it works, if you want to use it.

Board Member Pierro stated the other microphone is out there.

Ms. Ryan stated this property has frontage on Route 311 and Maple Avenue. Part of the property is owned by Barjac Realty and part is owned by Peckham, Patterson Materials, there are two parcels that have frontage on Route 311, the one that we are proposing to access through is owned by Barjac, the small part here is owned by Patterson Materials, this larger piece is owned by Barjac. This larger piece has frontage on Maple Avenue, this part of it is blocked by the ball field, this part is a narrow strip that is fifty feet or less in this area and then widens out here but it is encumbered by wetland in about 2000, the year 2000 the wetlands were flagged by the DEC and the survey located by Kyle Kayler. We know that they are going to have to be updated because the maps have changed since then but at that time they included a section of the DEC wetland down in here which doesn't even show up on the current maps, so we will have to have those verified at some point in the near future. It also appears that they may be extended down in this area, Rich brought up too that over in this area, some place over here, they don't extend off the property, I don't know where that was.

Rich Williams stated in the back.

Ms. Ryan stated back here, in here.

Rich Williams stated yes, somewhere in there.

Ms. Ryan stated they stop at the fence line and Rich said that it was up to the Board whether they want this extended or not, so if you could let us know about that, so that when we do have them re-verified, if you need us to go into that fenced area we can have that done. Basically the encumbered part of the property, we are not proposing to touch, the buffer is in this area for this wetland so all the improvements we are proposing on the south side of that wetland with the access, the access would have to come through what is now currently the Town of Patterson wetland, we don't know if this falls under the jurisdiction of the Army Corps at this point, that would also have to be verified but that would make more sense to access the property rather than come through the other frontages over here. We don't want to come through the ball field or through this other strip of DEC wetland, it makes more sense, this has already been filled in the past and even though it is in the buffer, this whole parcel has almost been entirely filled in so it would create a small additional amount of disturbance for that access. They are proposing an equestrian use with outdoor paddocks, one large building that would include an indoor riding ring and a horse barn with enough stalls for the horse that they propose to have the site. Of course we will deal with storm water, septic, and well.

Board Member Pierro stated Theresa, one question I have, how large is this equestrian facility, how large is the property that this equestrian facility will access once you minus out the ball fields and the New York State wetlands.

Ms. Ryan stated that wasn't calculated because it doesn't say that in the code, to find out how many horse it just tells you to subtract out slopes and wetlands.

Rich Williams stated slopes and wetlands but it presumes that the parcel that you are making the calculation on is used exclusively for the horses.

Chairman Rogan stated so you are saying that it takes out slopes, wetlands, and then assumption, the interpretation is the ball fields and the quarry would be deleted from that bulk area, useable area.

Rich Williams stated if it at the ball fields we have out there, a big parking lot all paved over, we certainly wouldn't consider that farm land that would suitable for horses.

Ms. Ryan stated unless they eliminated the ball fields.

Chairman Rogan stated of course they would have to get through all the wetlands to be able to utilize that and that brings up another issue.

Ms. Ryan stated the wouldn't be able to do that anyway unless they got permits from the DEC because they do not have an agricultural exemption.

Board Member Pierro stated again how large is the property that is going to be utilized, how many acres.

Ms. Ryan stated we didn't have to calculate it for the code so I don't have that number

Chairman Rogan stated I think the question is more just knowing what the area of disturbance currently, how many acres of what you are showing there.

Ms. Ryan stated I don't have that number.

Chairman Rogan stated that seems to be what you are getting at.

Ms. Ryan stated is that what you are asking that for.

Board Member Pierro stated I think that our Code requires fifteen acres of useable land for an equestrian center.

Chairman Rogan stated that is for the Special Use Permit, isn't it.

Rich Williams stated the Code requires fifteen acres, that is all it requires is fifteen acres, then there is another calculation that you need to do to determine how many horses would be permitted on the site and that goes to the useable area that is available for a horse operation.

Chairman Rogan stated so two separate issues, okay.

Board Member DiSalvo stated any ball park figure on how many stalls the barn would be.

Ms. Ryan stated I think that they anticipated it would be twenty or twenty-two stalls.

Board Member Pierro stated where is the parking going to be.

Ms. Ryan stated the parking, there are fifteen proposed car spaces right in here and then they are going to have parking right in here for the trailers, some of these are a little bit deeper for the larger trailers and then the loading spaces would be on the east side of the building here. They are going to have one dumpster for manure and one for shavings.

Board Member Cook stated it is just the one ingress and egress to the property.

Ms. Ryan stated yes.

Board Member Pierro stated question for Council, if we were to approve this, I think the question came up at our work session, part of the mine is this lot at present without permits, am I correct, Rich. If we approve this use on that light, are we giving de facto approval for the mine.

Anthony Molé stated that is the question, I went through Rich's memo and it is my understanding that a portion of the quarry is on this site but it is not pre-existing nonconforming and therefore permitted, it is not permitted is that correct.

Ms. Ryan stated it is pre-existing nonconforming.

Anthony Molé stated it is pre-existing nonconforming.

Rich Williams stated it is not pre-existing nonconforming.

Ms. Ryan stated its not.

Rich Williams stated its not.

Anthony Molé if it not pre-existing nonconforming, think of it as if the Board were addressing a site plan application that had a current violation on it would the Board require that the violation be cured before you approve the application. This is no different then that, if that quarry is not pre-existing nonconforming, if it is pre-existing nonconforming, then it is not a problem and you can go ahead and approve the site plan.

Chairman Rogan stated so then that question needs to be answered.

Ms. Ryan stated it is our understanding that this portion of the mine was quarried in the early forties and when Peckham bought it, they have never mined this section mine.

Chairman Rogan stated so then it is not an active part of the mine.

Ms. Ryan stated not this portion no.

Rich Williams stated I laid out the history as best we know it within the memo, the problem with what Theresa has just said here is that John Peckham didn't own this piece of property until the 1980's at that point it was vacant land, we have a site plan from 1971 with John Peckham Senior's signature on it, which

shows the extent of mining not being on this property. We do have I believe sufficient documentation to establish the limits of the mine as they were in 1971, as being on the adjacent property not on this property and certainly this is not mined not only in 1940 but not until after the 1980's.

Chairman Rogan stated so Anthony is it the Applicants responsibility to prove to the Board that it is pre-existing nonconforming.

Anthony Molé stated the burden is on the Applicant to prove that, yes.

Chairman Rogan stated let's relay that information and have them start working on that so we can do that concurrent with our review on this.

Ms. Ryan stated okay.

Chairman Rogan stated we had actually walked this site, how many years ago was that, four. I thought it was four and one half to five years ago when they were proposing.

Ms. Ryan stated senior housing.

Chairman Rogan stated no, it was more like a Clock Tower Commons, medical.

Board Member Pierro stated it was medical.

Ms. Ryan stated yes.

Chairman Rogan stated but obviously we want to take a look.

Ms. Ryan stated sure, Rich had some staking recommendations, if you are okay with that also.

Chairman Rogan stated that was like centerline of the drive, corners of the building, center of each storm water basin, pretty much the typical.

Ms. Ryan stated and the center of the septic.

Board Member Pierro stated I have a question, Rich, what if we were to do, is it possible to subdivide that portion of the mine, that portion that is shown as mine on this property and move it off.

Chairman Rogan stated I asked that at the work session and I think the answer was because this is zoned residential it would still be.

Rich Williams stated it would still be in violation, the only thing is now that you would move it on to another parcel and my concern is, and I am not the attorney, I don't have a specific answer here but my concern would be that you would be then legalizing a previous illegal use, that you would not be able to at a later date enforce the Code provision because you have taken some action.

Anthony Molé stated another problem that could arise from that is setting precedent, if you have another person come by with a site plan and that site plan has a violation, how do you say we have to cure the violation first before we approve the site plan, if you just approved one that had a violation on it and still has a violation on it.

Ms. Ryan stated does this have a violation on it.

Anthony Molé stated if it is not pre-existing nonconforming and is being used on the property and they approve it under this use but then again it goes back to the question is it pre-existing nonconforming, that is really where this all stems from.

Ms. Ryan stated right.

Chairman Rogan stated I think that we had one other question on the wetlands flagging. You had asked whether or not we want the wetland delineation shown over onto that parcel, we are just talking about that section. I think we are looking at this one here.

Ms. Ryan stated we are not proposing anything over in that area but it was just something that Rich brought up. Our development really is not anywhere near it, it is over in this area right here.

Chairman Rogan stated but they are going to re-flag the wetlands, you basically said that they have to certify the wetlands for the entire site through this process. If they have to do that, the corner that would only be applicable to this is so small I say do it and have it.

Ms. Ryan stated we would have to get through that fence line.

Chairman Rogan stated is that a, what kind of fence is there.

Ms. Ryan stated there is a fence here.

Rich Williams stated that is the fence to keep people from falling in the hole.

Chairman Rogan stated so that is a significant fence then, what you are saying. So then do you want to just show the line right up to the fence line.

Rich Williams stated well for me they are not doing anything over there, it is not an issue for me. I brought it to the Board's attention so you could make a determination, I also did this so that Ted could weigh in on it, often we run into situations where Ted feels that the whole boundary should be shown.

Chairman Rogan stated and he is no where to be found.

The Secretary stated and he just walked out.

Chairman Rogan stated when he comes back, we'll ask him. So for the moment, assume that you don't need to show it in that area, unless Ted really has some compelling reason.

Ms. Ryan stated okay.

Board Member Pierro stated Theresa there are from our last site walk, I recall three maybe four monitoring wells on this parcel.

Ms. Ryan stated I believe there were.

Board Member Pierro stated in the future we would just like to know what they are for, if they are still being utilized.

Chairman Rogan stated it would also be nice if one of those monitoring wells is of sanitary quality and could be utilized instead of drilling another well out there, who knows, we'll have to look into the documentation on that or maybe do a yield test or a quality test on that.

Board Member Pierro stated if they can be used.

Ms. Ryan stated I'll talk to the surveyor about locating them too.

Chairman Rogan stated great and certainly showing whatever else is out there being abandoned as a part of this application, I mean that are not being used.

Ms. Ryan stated okay.

Chairman Rogan stated anything else we want to talk about before we move on, it sounds like we have research to do.

Board Member Pierro stated yes we do.

Ms. Ryan stated and we have some staking to do. Thank you.

Chairman Rogan stated thank you, wait don't go anywhere.

Board Member Montesano stated stay.

8) Paddock View Estates

Mr. Daniel Donahue from Daniel Donahue Engineering and Mr. Mark Porcelli, the Applicant was present.

Chairman Rogan stated Paddock View Estates. Good evening Mr. Donahue.

Board Member Pierro stated make sure I have the right one.

Chairman Rogan stated no, that's Burdick.

Board Member Pierro stated no.

Chairman Rogan stated good evening, you can use it.

Mr. Donahue stated do I have to use this.

Board Member Pierro stated yes.

Chairman Rogan stated I think that your voice will carry pretty well, if you speak up and please state your name for the record.

Mr. Donahue stated my name is Daniel Donahue the engineer representing the owners of Paddock View Estates Subdivision. Where we are now with the subdivision process, we received preliminary approval, we have had a public hearing for final approval and I received some comments from the Town Engineer and the Town Planner that I believe we can address by the next meeting. We received DEP approval of the storm water plan quite awhile ago. I have met with the Health Department to discuss the locations of our wells and setup locations to make sure that they all fit. I got a letter from them and they had some comments but none of the comments will change where the septic areas are, which of course could possibly impact the property lines. The subdivision has gone on remaining intact, the lots and sizes and such, we do not anticipate any changes at all. Like I said I received comments from both Gene and Rich and going through them, there is nothing really that would I think technically change the subdivision.

Chairman Rogan stated we have a couple of issues that we wanted to just clarify and get some resolution to and I know one in particular that you have been concerned about is the fire suppression, the area that was designated for the tanks and I believe that Dave you wanted to speak to that and maybe we can.

Mr. Donahue stated I just wanted to show you where the area was, that's all.

Chairman Rogan stated it is on the plan and we are going to try and see.

Dave Raines stated what we are looking here or at least what I am looking from the review process as the Fire Inspector, is a single twenty-thousand gallon tank with a six inch hydrant, I will provide the standard typical detail to them with valid protection for the hydrant. The set back of the hydrant would be determined by curb lines, I am not sure what sort of curb line you are going to have here. Again the question is what we have been doing here. The Town Board is not at this point going to create a separate water supply district, once the tanks are accepted, the road becomes a Town road, we accept the infrastructure, the curbing, I accept the tank, it gets filled once by the developer and then becomes part of the existing fire protection districts that already exist under law and they are maintained through that.

Chairman Rogan stated so the owners of the house or the owners of the subdivision don't bear any responsibility.

Dave Raines stated right, they don't bear any responsibility, again standard warranties just like any infrastructure, if the tank fails three months into it, we contact the developer, listen, the tank failed or it collapsed or something happened, no different then any storm water retention pond that would be required for a typical subdivision. We are trying to simplify this, the calculations come out to somewhere around sixty-eight thousand gallons of water if you do it by the NFPA calculations but then again that doesn't take into consideration some of the other factors that we look, this spot here that is kind of a general area is perfect in that for this type of subdivision we are no more then one thousand feet in either direction, it's flat and it is going to be accessible and you are not going to have to block the whole width of the road if you do have a fire truck there. So I think that and what I will be looking for and again and I just looked at this, the February 1st memo and I will draft a memo to Rich and to the Planning just recommending that the twenty thousand gallon single wall underground fire protection water tank with a six inch hydrant.

Chairman Rogan stated and the detail of that plan for the purposes of this, the Applicant's engineer modifying the plans, that is something that can be done, that is pretty standard.

Dave Raines stated Rich is in concurrence that this location will work for the location of the tank and as far as how it is going to be oriented, is really going to be based on how the site layout here. There is plenty of room to get a twenty thousand gallon tank in with a hydrant with this layout.

Chairman Rogan stated that certainly could be something that could be conditional.

Board Member Pierro stated Dave, to your knowledge do we have any other locations within the Town of Patterson that are along a public roadway like this because my only concern is snow removal in the winter, there is a possibility that these hydrants could get banked up and covered.

Dave Raines stated we discussed that, the Town crew is going to responsible for digging them out as well as, it is not going to be primary, they made it clear to me, the current Highway Supervisor said to me, yes Dave we are going to do but it is not going to be the day of the storm, like in any municipality they are going to go through after, you know we get heavy snow, they are going to through and identify, we have eight now that are along.

Board Member Pierro stated eight.

Dave Raines stated eight, there are eight tanks that have been identified and have been accepted within these subdivisions that are not, then there are a couple of private ones that I have to deal with on basically inspecting them and ensuring the homeowner and we have couple that are not on Town approved but they are Town accepted right of ways that I have to deal with unfortunately on a case by case basis. That is a concern, again coming from a municipality with eight regular standard hydrants, it is secondary to the road clearing, that is why we do put the bollards up to give them some sort of protection in case somebody jumps the curb and again incorporating into the fire protection districts allows us to have the funding in the event that somebody knocks the thing over, we aren't going to the homeowners to repair we are going to repair and the money comes out of that which ever fire protection district one or two depending on which side of Town it's on.

Board Member Pierro stated what color are the bollards.

Dave Raines stated that is up to you guys, there is no standard, there are no guidelines, it is more so whether it be red or yellow or green.

Board Member Pierro stated make it something bright enough that will stick out in a snow storm.

Dave Raines stated we can talk about making them reflective or not, more so to protect the PVC hydrant then.

Board Member DiSalvo stated now the homeowners will get a reduction on their homeowners insurance with the hydrant there.

Dave Raines stated off the bat when they apply, for example Allstate just sent me on one of the new houses in Wyndham, how many feet, we have a tank within X number of feet and they are looking for it within one thousand feet because that is what NFPA is looking for but it is not like a hydrant in New York City or Westchester County, whatever but we are talking twenty thousand gallons of water which will sustain a flow to put out a structure fire.

Board Member Cook stated Dave, do you ever flag the units, I know you put like the bollards around to protect it but like sort of like a pole to identify it.

Dave Raines stated we haven't but that is something that I received from Suffolk County where they do a blue marker in the road on the center line and they put the flag, it is something that we could certainly look as this develops and I think that once I have somebody in there full time as a Fire Inspector they will be able to take this on a responsibility or we can give it to Rich to do, either way.

Board Member Pierro stated right.

Chairman Rogan stated because he has free time.

Rich Williams stated that is actually along the same lines as office of emergency management has been doing is putting them in GSP so that we have the specific GSP locations.

Chairman Rogan stated it would be nice to have to the GPS in the snow plow trucks.

Rich Williams stated honestly it is only a matter of time.

The Secretary stated yes, they are in all the cars.

Chairman Rogan stated we are driving up Donahue Drive, watch out for the left coming up.

Board Member Montesano stated there is a company in Connecticut that has every truck they own with a GPS unit.

Chairman Rogan state really, Dan you don't have any roads named after you yet, do you.

Ms. Donahue stated no but on the way up here Mark just said that there is a cemetery not to far away from this project and unless this gets approved pretty soon we are going to have to name it.

Board Member DiSalvo stated walking through the cemetery.

Mr. Donahue stated I think we are going to find a place for you in there.

The Secretary stated Gene too.

Chairman Rogan stated we asked the same question when Gene came in.

Board Member Montesano stated do you have approval for the roadways.

Chairman Rogan stated Gene doesn't have any roads named after him yet either but I don't think he wants one.

Gene Richards stated I guess you just have to put a memorial.

Chairman Rogan stated a memorial.

Mr. Porcelli stated going back to the tank for a minute.

The Secretary stated you need the microphone though.

Mr. Porcelli stated sorry.

The Secretary stated sorry.

Mr. Porcelli stated I'm sorry, I don't know your name.

Dave Raines stated Dave.

Mr. Porcelli stated Dave you had said that you would get us some sort of letter from the Town if we agree to do this that the Town is going to accept full responsibility for the tank.

Dave Raines stated when it gets accepted you will get a letter of acceptance, just what you do when a road gets accepted, you will get a letter of acceptance.

Mr. Porcelli stated and the Town Board has agreed to that.

Dave Raines stated yes we have done it with the last two. Once it has been inspected and tested and the Fire Department comes out and grabs some water out of it. We just did it with the hydrants at White Birch, we gave them a letter the Fire Department came out, tested the two hydrants at White Birch, the road happens to be several feet long.

Mr. Porcelli stated how many units are in White Birch.

Dave Raines stated White Birch is a commercial location but there is one we just did a month ago, the Fire Department comes out they test, I go out take photographs, we had them put in some bollards and then we sent a letter to the developer saying that we have accepted the hydrants.

Rich Williams stated the one before that was Deerwood.

Dave Raines stated Deerwood Subdivision was the last one before that, we have accepted the tank there.

Mr. Porcelli stated I just know from our discussion that we were waiting for something for two years from the Town Board and again no one has acted on it, we just don't know whether, we are in a position.

Chairman Rogan stated the main thing is a liability of course.

Rich Williams stated the discussion is still on going but it has gelled up quite a bit.

Chairman Rogan stated it is in practice it sounds like.

Rich Williams stated Dave spearheaded that.

Dave Raines stated we didn't want bring another layer and create another district another pasture if you want, so we said, from what the Council said incorporate that, so we incorporate any of these fire issues into the Fire Protection District.

Chairman Rogan stated because it still goes into the greater good for the greater population, the potential is still there for them to tie into and fill up a truck to go down the road a mile. That has been my position on this all along it should not be the burden of these individuals to pay for the upkeep of this, it should be the greater good of the community.

Mr. Porcelli stated I would just like to see some sort of language that leaves us of this where people that I potential sell to of this responsibility.

Chairman Rogan stated and it sounds like insurance is.

Dave Raines stated might provide that letter prior too and then give another letter once it is accepted, if you are more comfortable with that.

Chairman Rogan stated I think whatever would be acceptable that relays your fears and that works with the Town would be great.

Mr. Donahue stated I have a couple of questions, in all due respect to the Board and to you, I have a couple of questions regarding. What do we call this tank.

Dave Raines stated it is a dry hydrant, it is a six inch Fire Department connection.

Mr. Donahue stated a dry hydrant, the reason I ask this, am I going to be doing the design on this, do I have to sign and seal this. Am I required to sign and seal this.

Chairman Rogan stated I think that he asking in terms of the engineering.

Mr. Donahue stated the engineering aspect of this.

Gene Richards stated Dan, one this that you would have to do as the engineer for the project is provide buoyancy calculations just to show that this thing isn't going to pop out of the ground if it is empty.

Mr. Donahue stated so am I going to get, that is easy enough in some respects, where I am going with this is liability issue with respect to this, there is going to be no well there.

Dave Raines stated no well.

Mr. Donahue stated so if there is a fire in this house over here, near the little thing behind here and they go and try to get water out of the tank and no one filled it up.

Dave Raines stated that is on the Town once we accept it, we do quarterly inspections on the tank and if the thing is empty and the homeowner wants to sue the Town, they can sue the Town, you didn't check it but this isn't, we are not breaking the ground here.

Mr. Donahue stated with all due respect and I sincerely mean that but god forbid something happen to somebody, you say that the liability is on the Town.

Dave Raines stated once we accept the tank.

Mr. Donahue stated once you accept, the question could very well come as to why was this hydrant system designed. I am talking about a situation, where god forbid, somebody dies, why wasn't that tank filled up, the whole question comes up as to the liability and like you said that the responsibility is on the Town but we all know that.

Chairman Rogan stated they sue everyone.

Mr. Donahue stated anybody that was connected with the project has some responsibility.

Board Member Montesano stated check it.

Mr. Donahue stated is this going to be a Mueller hydrant or what kind of hydrant do you plan to put there.

Dave Raines stated six inch PVC coming out of the top of tank with a six inch NST.

Mr. Donahue stated sort of like a dry hydrant you would put into a pond.

Dave Raines stated exactly the same except that it is in a tank.

Mr. Donahue stated so the question that you raised, perhaps whether or not they would get insurance but it is not a Mueller hydrant it may be a little more, they get insurance who think that there is a Mueller hydrant there and then they think there is a public water supply system in the road, but it's just one hydrant with a small pond.

Chairman Rogan stated right.

Dave Raines stated I also recognize that this over ten thousand gallons, I know my job and I'm not sure where you are going. I am not breaking your chops but I don't have to issue and building permits for something that doesn't have a water supply under New York State Code, so if I determine there is not a significant water supply, I don't issue building permits for the houses, this is what we went back to when Mr. Piazza when we started this with this subdivision, so I am trying to meet everybody more then half way and say and you know what really should have a sixty eight thousand gallons there if we use the NFPA calculations but that's not realistic. So I think that twenty thousand gallons which has been the same number that we have used for all the other subdivisions between five and thirteen houses until we got up to nineteen in Burdick Farms where we ran over a thousand feet so we separated the tanks.

Mr. Donahue stated maybe you misunderstood where I was coming from like I said at the beginning with all due respect, you have you job to do and I also have to make sure that I am protected and that my client is protected, that is my responsibility as engineer on this job.

Dave Raines stated there are layers of protection that I have to sign off on it for design, then I have to sign off it again on acceptance.

Mr. Donahue stated you are going to give me the design.

Mr. Porcelli stated if it is not a Town law can you hold up a building permit on something that is not a Town law or requirement.

Anthony Molé stated he is not speaking of Town law, he is speaking of New York State Fire and Prevention code.

Mr. Porcelli stated there are plenty of towns all over then County that don't require tanks.

Anthony Molé stated can't speak for the towns but the Code that Dave is referring to, is a State Uniform Code and it applies to every town in the State and if they are not enforcing where we choose to enforce it. The fact that other chose not to enforce it.

Dave Raines stated each town has the jurisdiction has the authority to enforce or not enforce it based on geographic criteria, if you have a pond at the end of the road.

Anthony Molé stated and from a liability stand point as well, fit the Town, if they are requiring a twenty thousand tank to be there for fire suppression purposes and the tank is not installed and a fire happens and someone dies there is a responsibility at that point as well. There are both sides of the coin with the liability issue.

Mr. Donahue stated I really don't know about that wall because there are a lot of rural towns that don't have any of these tanks and they approve subdivisions with wells and no fire protection in them at all and I don't know whether or not.

(TAPE ENDED)

Anthony Molé stated I guess I am saying I understand your concern entirely, you are signing on plans you want to make sure that you are covered and that you client is covered by the same token is has been raised as an issue so I am just saying that by flipping the coin if it is not done it was discussed and raised as an issue and something happens and god forbid someone dies they could turn around and say well this was discussed, why wasn't it ever done, why wasn't this done with the project, if it were done they could have been saved and they would bring that point in anyway, someone will always find a way.

Mr. Donahue stated thank god I don't know, I should put it that way.

Mr. Porcelli stated this has been a discussion for years and that we have been, it has been a year and half two years that we have been waiting for a decision from the Town Board it just hasn't happened and there were areas designated and never anything designed and I thought that the Town would have to require by law in order to have us put these in.

Anthony Molé stated I think you are referring to is that the Town was trying to determine what was the best way for to do it.

Chairman Rogan stated for maintenance.

Anthony Molé stated whether to make it Town law, whether to make it a separate district, whether to put it in the current district, that was the question for the Town Board.

Chairman Rogan stated right.

Dave Raines stated it is not an issue of requiring it, it is an issue of who is going to maintain it and where was the funding going to come from. I went to the Town Board multiple times and said I don't think that

we should put the burden on the Homeowners Association or the Homeowners themselves if there is no association. We have Fire Protection Districts that are paying for fire protection they paid for the hydrants that were just installed around Putnam Lake, it is not on Town property, those are various where those hydrants are. Some of the tanks we put in have been on Town right of ways, some have been have been on private property and in my opinion we are doing due diligence in doing this and we set some criteria and we said we aren't going to do this for one and two house subdivision unless they are up on top a mountain and we can't get to them adequately. This is a single tank situation and I only talked briefly in the hall with you but I think that the requirement for a twenty thousand gallon tank here is an acceptable request based on a nine lot or ten lot subdivision.

Rich Williams stated Mark, if I could just jump in here, just to clarify your question. There are provisions within both the Subdivision and the Zoning Code which require that the Planning Board on any applications such as this to look at and evaluate the need for fire protection and require fire protection if they determine there is a need for it. There is a provision already in the Zoning and Subdivision Code for them to do this evaluation.

Mr. Porcelli stated one of the questions initially was (unable to hear) for the firehouse also, which we are not a remote part of Patterson and I thought that.

Dave Raines stated and then we took into consideration looking at how big of tank we need, if we need forty thousand gallons of water because you are up on Bullet Hole Road or up on Fields Lane or are we within again a shuttling location where you can shuttle to the pond and shuttle to another location and again twenty thousand is as small we've looked at and we haven't gone above forty.

Chairman Rogan stated haven't seen any.

Rich Williams stated we have the big one with the yellow submarine.

Dave Raines stated yes.

Chairman Rogan stated what is that a thirty, it was big though. I just saw pictures of it but it was big. Can we.

Mr. Donahue stated can you provide me with whatever design standards you want me to do there and if you have a detail of what you want there.

Dave Raines stated absolutely, I will get you a hydrant detail, a blocking on the hydrant and as well as.

Mr. Porcelli stated why couldn't it be two tanks.

Dave Raines stated you could do two tanks, if you chose to do two smaller tanks, but I thought twenty thousand if that made it easier for you, I am just going to capacity wise and again we have eliminated the choice of putting in a concrete tank, the two that we have put in years ago have failed since (unable to hear).

Mr. Donahue stated Gene, what are the buoyancy calculations for because the tank is always supposed to be full.

Board Member Pierro stated because when they are empty with the high water tables.

Mr. Donahue stated they aren't supposed to be empty. That is the signal, when you see it come out of the ground you know there is no water, we could put holes out there.

Chairman Rogan stated it has to be filled.

Board Member Montesano stated if we put an elevator underneath the tank we could press the button when the water comes out, you wouldn't mind doing that.

Board Member DiSalvo stated Dave, one question with the tanks is there a meter on them to see how much is being used or balancing it.

Dave Raines stated the design shows a man hole access, we open up the man hole and we look in. The Fire Department has a water supply office that is responsible for going out with the fire truck and they hook up to them and flow water out.

Board Member DiSalvo stated and they fill up like an oil tank.

Chairman Rogan stated it seems like a simple float valve would be a billion dollar idea on this, doesn't it.

Board Member DiSalvo stated like an oil tank right.

Dave Raines stated again, who what, who is going to go down in there for tank entry plus (unable to hear).

Mr. Porcelli stated like the gas station.

Chairman Rogan stated right.

Dave Raines stated we check it, it is part of their drilling thing, we go out we do it, we bring the fire truck out, the people in the neighborhood see them.

Board Member DiSalvo stated you have done this before.

Dave Raines stated yes, a few times.

Board Member Pierro stated (unable to hear)

Chairman Rogan stated did we get any great ideas for a road name on this because obviously Paddock View.

Rich Williams stated there are two Paddock Views down in the Town of Southeast and Putnam County is looking for communities not to use any other name that is anywhere else in Putnam County.

Chairman Rogan stated they have had some problems with dispatching emergency services to the wrong location because they have a Paddock Lane and a Paddock Road.

Dave Raines stated it is a CAD based now.

Mr. Porcelli stated I could see in the same town I didn't know it was the whole County.

Chairman Rogan stated especially now that it is a centralized system.

Mr. Porcelli stated it is all coming out in heaps.

Chairman Rogan stated it is all coming out of one place now, the Dispatch Center.

Mr. Porcelli stated I just found out about this tonight.

Rich Williams stated why don't we put this off for a month and come back with some specifics.

Board Member DiSalvo stated come up with some names.

Chairman Rogan stated the name should be.

Mr. Porcelli stated I can come up with a name right now if you want, if that's, I really don't want to wait another month I really would like to get this over with.

Chairman Rogan stated the name really isn't going to be a hold up, coming up with a name is the least of the concerns.

Board Member DiSalvo stated unless you have something really good.

Chairman Rogan stated it sounds like tonight like what Dan said that if he truly believes that the comments can be address and I think we are even willing to do the approval conditioned on the schematic on the tank, I don't think that is your primary issue I think getting Gene and Rich's comments taken care of and buttoned up. The last was the maintenance of the pond in the future what kind of a scenario we set up for that, I thought that we were looking at that to be maintained the same way as part of the municipal.

Rich Williams stated Highway is not going to take it and the pond is on private property anyway.

Chairman Rogan stated so how do we set this up.

Rich Williams stated you have a couple of different options unless Anthony can think of something and that is to place the burden on the property owner for lot one or create a, I just said it was an idea, I didn't say it was good one or you could do a Homeowners Association, that wouldn't be my first choice or do a district.

Chairman Rogan stated so the district would be something that the people just like a fire district they would get taxed through their assessments.

Board Member Pierro stated just as we all do.

Chairman Rogan stated so then who bears, so then who assesses what maintenance is need for the pond and coordinates that.

Board Member DiSalvo stated what department.

Chairman Rogan stated your assistant.

Rich Williams stated I guess it is going to sound a little snide. I do water. Dave won't do water.

Dave Raines stated I don't do water.

Chairman Rogan stated is the assessment for the maintenance of that, is that based on property value, in other words would people side by side pay different shares.

Rich Williams stated no, we generally set it up as a unit cost, the engineer initially identifies what that unit cost is going to be in a map plan report that will carry us for a few years until we actually start.

Chairman Rogan stated have to do something.

Rich Williams stated start doing things out there and having costs and then adjust it.

Board Member DiSalvo stated are there any other ponds that are being assessed that way in Town or is this going to be the first one.

Rich Williams stated yes, Van Cleef, we have districts for Astro Subdivision, Deerwood Subdivision, we are doing one for Burdick Farms.

Board Member Pierro stated are we doing one for the new New York City treatment plant on Cornwall Hill Road because there is a beautiful pond there that is kind of deep, that could be a great place for dry hydrant for emergency purposed.

Rich Williams stated we are not talking about dry hydrants now, we are talking about storm water.

Board Member Pierro stated oh right.

Rich Williams stated yes you are right but you can't put dry hydrants into storm water ponds because storm water ponds are designed to take in a lot of garbage, a lot of sediment.

Board Member Pierro stated but the one at the sewage treatment plant is not a storm water pond.

Rich Williams stated you are talking about the one out back in the woods.

Board Member Pierro stated right, right on the road there.

Rich Williams stated we haven't talked about that yet.

Board Member Pierro stated that is something.

Board Member Montesano stated now you are going to suck up the frogs.

Board Member Pierro stated it's pretty deep too.

Rich Williams stated well we didn't have good access for now either.

Board Member Pierro stated now that we have some access is that going to be paved that.

Rich Williams stated no, it goes right down the middle of the DEC wetland but that tank does need to be well maintained because we need daily access.

Mr. Porcelli stated Rich what is the problem with making the thing a formal district or is that something that the Town does.

Rich Williams stated Dan will have to do a little bit more work in developing a map plan report, I can give him the format to do that. Generally, we do that as a condition of getting final approval.

Chairman Rogan stated so it goes back to those addressing the issues in the memos and cleaning up those little items, many of them but little, item by item, making sure they are done.

Rich Williams stated and then the Town has to do a whole proceeding to create a district.

Mr. Donahue stated does that have to go through audit control for district formation.

Rich Williams stated yes.

Mr. Porcelli stated now that, once it is approved by Planning Board do I have to wait for it go through the bureaucracy of the Town to start work or is it just a matter of them to do paper work because I don't want them to take months and nobody is acting and have to sit there and wait. As long as the approval is agreed upon.

Rich Williams stated forming the district isn't going to slow you down, if that is your question.

Mr. Porcelli stated yes, that is what I'm saying, obviously the spring is coming and ideally I would like to do this work when the weather is good, I don't want to create more of mess then it has to be and I just want to make sure that all of sudden they don't take all summer to do this. I just want to make sure that when we get final approval that I can put up the bond and meet those last requirements that I can start my road.

Chairman Rogan stated plus the Town's portion of it doesn't really take effect until after the ponds are complete and inspected and done. The Town is not building the pond or anything.

Rich Williams stated we don't start assessing it until we take it over.

Mr. Porcelli stated when people ask us in a subdivision, potential buyers how much is that, it has to be a pretty minimal amount, most ponds never going to pump.

Rich Williams stated it varies from pond to pond, generally two hundred fifty dollars a year.

Mr. Porcelli stated and they will come out and do something in the pond.

Rich Williams stated yes, unfortunately.

Board Member DiSalvo stated that is a lot of money.

Chairman Rogan stated per by ten lots.

The Secretary stated per unit.

Rich Williams stated yes twenty five hundred per year.

Chairman Rogan stated plus by the time you have to do some work out there.

Mr. Donahue stated twenty five hundred for the pond you mean.

Rich Williams stated yeah.

Mr. Donahue stated okay, I'm sorry, I thought you meant.

Chairman Rogan stated two hundred fifty per household per year for the probably, estimating for the pond.

Board Member DiSalvo stated that is still a lot of money.

Chairman Rogan stated it's not really though because if you have to do something to the pond, if you have to redo a dyke wall or replace something and get the machine out there. You have your own equipment but when you have to bring it in.

Board Member DiSalvo stated it is just another added expense on your assessment.

Rich Williams stated no doubt.

Chairman Rogan stated one more to come before the Assessment Review Board.

Mr. Porcelli stated that pond is just open pump.

Rich Williams stated this is mandated not by the Town of Patterson but by New York State and New York City, it is not an option.

Board Member DiSalvo stated it is just another added expense that people have to know about when they are buying a house.

Mr. Porcelli stated I just want to know what I have to. People are going to say how much are the taxes and I am going to say x amount of dollars and that will give us some sort of figure as to what is going to be in that. Are all new subdivisions doing this or am I going to be kind of looked at and I can see two hundred and fifty dollars going down the street.

Chairman Rogan stated if that is the case then they are not going to buy your house anyway.

Mr. Porcelli stated I am not trying to be a wise guy I am just asking.

Rich Williams stated let me get Maria really excited here. We are looking at all new subdivisions to do this, ultimately we are going to get hit with what is called heightened MS-4 requirements which are going to require the Town of Patterson to start looking at retrofitting all existing develop areas. At that point we are going to have to talk about how we are going to spread that cost to all of our tax payers. The Town has been very proactive, the current Town Board has been very proactive about fighting those regulations

because our initial estimate is about twenty-five million dollars for the Town of Patterson and that is going to be a huge additional cost to all of our residents.

Chairman Rogan stated it is a mandate with no funding.

Rich Williams stated yes.

Board Member DiSalvo stated how are other towns doing it.

Rich Williams stated they are struggling along with us. We have organized, I organized the other municipalities in Putnam County and we have an MS-4 coordinating committee and we are meeting with representatives of Dutchess County in a couple weeks. We have met with some of the representatives of Westchester County and there has been dialogue back and forth and everybody is saying the same thing. The loudest voice we have heard at the stake holders table in opposition to this was New York State DOT.

Chairman Rogan stated alright.

Mr. Donahue stated another question.

Chairman Rogan stated sure.

Mr. Donahue stated when we first started this process we talked about putting a post and rail fence and as the project has developed we are going to have a guide rail running across here and we have a slew of white spruce there, I was just wondering where we were going to put this guide rail, this post and rail fence looks like it is going to disappear.

Dave Raines stated you are going to put a guide rail in.

Chairman Rogan stated fine, I have this image, no problems though.

Gene Richards stated right here from that point down (unable to hear). Unless you saw these here (unable to hear).

Dave Raines stated no, it was the entrance is what (unable to hear).

The Secretary stated good thing for Anthony.

Mr. Donahue stated (unable to hear).

Chairman Rogan stated so this issue is where to put the fence with everything else going on there because of the trees and guide rail. The intent of the post and rail was to clearly separate the pond so that we don't end up with or so we limit the intrusions into that pond area. I guess if the, a guide rail really isn't much of a deterrent though in that area.

Board Member Pierro stated it keeps the cars out.

Rich Williams stated it is going to look kind of silly with a post and rail right behind the guide rail.

Chairman Rogan stated on the other side with the spruce trees, if it creates, if the guide rail and the spruce trees service the intended purpose which is to limit that area and what does the Board feel about that.

Board Member DiSalvo stated you can eliminate the fence.

Chairman Rogan stated that will save two hundred and fifty dollars a house.

Mr. Donahue stated two hundred and fifty dollars a house.

Chairman Rogan stated is everybody okay with that.

Board Member Pierro stated I'm fine, let's go on.

Chairman Rogan stated are we all set.

Mr. Donahue stated can I just, very quickly I know everybody wants to get out of here. I looked at your letter quickly Gene and regarding one of the comments you have was regarding the construction trailer and temporary power. Typically they don't really have them.

Gene Richards stated you don't need one but there are no plans on having it.

Mr. Donahue stated no.

Gene Richards stated I guess in case on the project they are going to need one.

Mr. Porcelli stated it's a small subdivision and the excavator is a local guy. It is not a big project.

Mr. Donahue stated the other question I have Rich, with the five acres of disturbance, what I have done on other projects is that the road is essentially not going to be five acres and what I would do, what would happen as the project proceeded as we started building on this lot and we would delineate the limits of disturbance, the limits of disturbance and you keep a running track as this lot gets complete that comes off and then you start a new lot and you keep and that is how it would be submitted on a routine basis to the Town to show the minimum disturbance is five acres.

Mr. Porcelli stated it wouldn't be limited to one particular lot.

Gene Richards stated the total project, five acres.

Mr. Donahue stated not just the, total project,

Mr. Porcelli stated I am not going to start them all at one time but just to.

Dave Raines stated what we do is that when subdivisions are finishing up we are making sure that they have stabilization before we issue building permits, like we did with Wyndham.

Chairman Rogan stated so it is a successive process.

Dave Raines stated so that we are opening five lots at one time.

Mr. Donahue stated that is what the Building Inspector does down in New Castle.

Chairman Rogan stated great.

Board Member Pierro stated thank you.

Chairman Rogan stated we'll see you next month and you do your work and we will certainly do ours.

Mr. Donahue stated is there any possibility that we could get a resolution next month.

Chairman Rogan stated yes, if you can get yours done, of course.

Board Member Montesano stated you could always hit the lottery.

Chairman Rogan stated I think that we were pretty clear tonight, if you get everything item by item taken care of with these gentlemen, we need to come up with a road name but we can come up with that between us and you and we are going to look and see if we can come with something that has some historic something for this property.

Mr. Porcelli stated yes, it just the whole County, there are a lot of names, we could go through this forever.

Chairman Rogan stated yes but no we won't hold you up because of that, don't worry.

Mr. Porcelli stated is there somewhere online you can look and see all the road names.

Board Member Montesano stated Newport Road.

Mr. Donahue stated I would (unable to hear).

Chairman Rogan stated there are too many people talking, go ahead Dan.

Mr. Donahue stated so the next meeting, what I am looking for is some type of final approval with some conditions.

Chairman Rogan stated absolutely.

Board Member Pierro stated yes.

Chairman Rogan stated yes, there would be conditioned for the maintenance on the pond, it will be the fire tank condition.

Mr. Donahue stated and a lot of times they do a Health Department condition.

Chairman Rogan stated and that is contained in the resolution.

Board Member DiSalvo stated Dan I will just mention this to you, before the meeting there is a website that is Historic Patterson and it talks about the history of Patterson and there are some good names there, we looked up the property, that name that used to be owners of that, it used to Herbst Farm.

Board Member Montesano stated oh no.

Chairman Rogan stated oh boy.

Board Member DiSalvo stated well, look around there because it is a good website you may be able to combine something.

Board Member Montesano stated you want to take that one step further. We'll call it the Donahue (unable to hear).

Board Member DiSalvo stated HistoricPatterson.com

Chairman Rogan stated I really think that the road name is probably the least of our concerns, we can come up with that but if you find something that seems appropriate based on some historic information, you could probably call right over to Tom Lanning and check the.

Rich Williams stated I have a list, I have been working with the County.

Board Member Montesano stated when you come in here do something (unable to hear).

Board Member Pierro stated okay.

The Secretary stated really, I have to call her.

Board Member Pierro stated Herb Schech Memorial Highway.

Chairman Rogan stated yes.

Board Member Pierro stated let's go, let's go.

Chairman Rogan stated okay.

9) OTHER BUSINESS

a. Field and Forest Apartments – Request for Extension

Board Member Pierro stated Field and Forest we did the extension, correct.

Board Member Montesano stated Field and Forest we dumped already.

Mr. Porcelli stated like you said it is the least of our, we just want to get this done, thank you.

Chairman Rogan stated thanks.

Board Member Pierro stated who is in for Millworks.

Dave Raines stated are you going to have a discussion on Millworks.

Board Member Pierro stated right now.

Chairman Rogan stated yes, we are right now actually. Just to memorialize at the work session we approved a request for 90 days for Field and Forest Apartments.

b. Millworks/Camp RE Lot Line Adjustment – Site Walk Comments

Ms. Theresa Ryan from Insite Engineering was present to represent the Applicant.

Chairman Rogan stated next up is the Millworks/Camp RE lot line adjustment, we walked this site, there are two issues in Rich's memo that we addressed or not Rich's memo the site walk comments that we addressed which were a metal storage container that is on site that we would like removed and the well just needed to be located on the, what is it.

Rich Williams stated the question is whether you want to close the well off or what they are going to do with it.

Chairman Rogan stated what we did want is a proper cap on it because right now it was open remember, it was wide open.

Rich Williams stated the paper work I gave you tonight said to close it.

Chairman Rogan state to close it.

Board Member Montesano stated with concrete.

Rich Williams stated it did not say with concrete, it just said that PCDH requires it. We said concrete on the site walk and that was in the memo.

Dave Raines stated I sent them a letter in reference to the storage containers yesterday and Mary Spano called me back today but I didn't have a chance to answer her to get that out of here. I would rather not move it to another location and create another violation, that is my problem so we will deal with that. The other issue was I briefly mentioned previously, I have a couple of concerns about lack of site plan approval with the existing site.

Chairman Rogan stated exactly.

Dave Raines stated with the waterproofing location in the back and also the tenant on the south side of building, there has never been site plan approval for that and they are not currently under violation, I have not issued any violations but I was wondering if the Planning Board could look at this globally as we look at this approval for additional usage of the site.

Chairman Rogan stated that is exactly what we were hoping to do with the application on the cell tower, we are going to bring this, we are definitely going to cover that. We realize that you may not be the engineer for the cell tower project, so it is probably not appropriate for you to bring that message back but if you can

in some way let them know there are site plan on issues on the remainder of the property that we are going to be looking at.

Ms. Ryan stated what I can do is fax this to Mary.

Chairman Rogan stated great.

Ms. Ryan stated I can fax this memo, right.

Chairman Rogan stated does anybody want to do the resolution, we have it right here.

Board Member Pierro stated I still have to find it.

Chairman Rogan stated you have to do SEQRA on it too.

Board Member Pierro stated in the matter of the lot line adjustment for Camp RE, LLC and Millworks I make a motion that we grant the approval for the lot line adjustment with the six general conditions and two special conditions outlined in the resolution of February 1, 2007.

Board Member Cook seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Pierro	-	aye
Board Member DiSalvo	-	aye
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

Motion carried on a vote of 5 to 0.

Chairman Rogan asks for any opposed.

Board Member Pierro stated in the matter of Camp RE, LLC. We have to do SEQR, I make a motion that we grant negative determination of SEQR.

Chairman Rogan stated it never hurts.

Board Member Pierro stated it never hurts, okay.

Chairman Rogan stated can I have a second.

Board Member DiSalvo seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Pierro	-	aye
Board Member DiSalvo	-	aye
Board Member Montesano	-	aye

Board Member Cook	-	aye
Chairman Rogan	-	aye

Motion carried on a vote of 5 to 0.

Chairman Rogan asks for any opposed.

Ms. Ryan stated thank you.

Chairman Rogan stated see, I told you it was worth your while to hang around.

Board Member Pierro stated and no plat yet.

c. Neubauer Site Plan – Site Walk Comments

Chairman Rogan stated Neubauer site plan, site walk comments everybody has, they seem to capture the observations of the Board.

The Secretary stated and they should have been faxed today, so.

Chairman Rogan stated the same with Genovese which is the site on Route 22.

Dave Raines stated just a comment on Neubauer just to have it on record, I sent a letter out to Neubauer requesting to have a meeting to discuss the demolition of the small structure which is in disrepair, that they now own. I don't know if it is going to have an impact or not, I know the original or preliminary site plan indicated that they were going to try to keep that structure, which created a whole different issue if they end up going with their design.

Chairman Rogan stated we did have a site walk, we did encourage them to lose the single family residence that is in disrepair.

Dave Raines stated well I wrote them a letter yesterday just requesting meeting, so hopefully we will have some resolution.

Chairman Rogan stated I think that they knew that was coming but they figured that they would start there.

Dave Raines stated okay I just wanted you guys to be aware of that.

Chairman Rogan stated negotiations up here and.

Dave Raines stated I have some other issues that later on in the process I will bring up with the design but I think it's a little premature.

Chairman Rogan stated great

d. Genovese Site Plan – Site Walk Comments

Chairman Rogan stated Genovese site plan we have the site walk comments.

e. Green Chimneys Site Plan – Bond recommendation

Chairman Rogan stated Green Chimneys site plan, the bond recommendations that we received tonight, does anyone want to do a recommendation to the Town Board for those. Do you have the amount, here is your amount.

Board Member Pierro stated ten percent more.

Board Member DiSalvo stated in the matter of Green Chimneys School, I make a motion that the Planning Board accept the recommendation from the Town Engineer for the sum of.

Chairman Rogan stated what did you have ninety-six.

Board Member Pierro stated mine is on the bottom.

Board Member DiSalvo stated nine thousand six hundred and twenty-five dollars to cover the cost of site improvements with a recommendation to the Town Board that said amount be established as the amount of Surety, posted as guarantee to completion of the improvements.

Chairman Rogan stated wonderful, can I have a second.

Board Member Pierro seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Pierro	-	aye
Board Member DiSalvo	-	aye
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

Motion carried on a vote of 5 to 0.

Chairman Rogan asks for any opposed.

10) MINUTES – December 28, 2006 Work Session and January 4, 2007 Regular Meeting

Chairman Rogan stated can I have a motion on the minutes for December 28, 2006 and January 4, 2007.

Board Member Pierro stated I make a motion on the minutes as read, December 28, 2006 and January 4, 2007.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor:

Board Member Pierro	-	aye
Board Member DiSalvo	-	aye
Board Member Montesano	-	aye
Board Member Cook	-	aye
Chairman Rogan	-	aye

Motion carried on a vote of 5 to 0.

Board Member Pierro stated I make a motion to close the meeting.

Board Member Montesano seconded the motion.

Chairman Rogan asks for all in favor.

Board Member Pierro stated do we have anything else to discuss, I'm sorry premature.

Chairman Rogan stated no.

Board Member DiSalvo stated well nothing for here.

The Secretary stated who second that.

Chairman Rogan state Michael did.

The Secretary stated thank you.